

Long Term MS4 planning to protect and recover receiving waters
City of Tacoma Comments on Preliminary Proposal

The City of Tacoma appreciates the opportunity to provide feedback on this preliminary proposal. We acknowledge that Ecology has put significant effort into developing the preliminary guidance document.

1. Tacoma recommends that the watershed planning requirement continue to be focused on developing areas in the watersheds that contain waterbodies with low to moderate impairment and not apply to substantially developed areas, such as Tacoma. This would provide consistency with the 2013 Phase I Permit which targeted areas “where impending growth threatens high-value habitat or water-resources” and excluded Seattle and Tacoma from Permit 2013 S5.C.5.c (2011 Fact Sheet, p.37 and 38).
2. Methods for identifying, characterizing and prioritizing basins are inappropriate for substantially developed areas like Tacoma. Tacoma has delineated the MS4 network using piped drainages that does not often match topographic boundaries and existing Watershed Characterization boundaries. In Tacoma, all receiving waters have been significantly impacted by development. Tacoma’s priorities focus on impaired waters that pose the greatest risk to human and aquatic health.
3. Overall the document is confusing and it is unclear what the true objectives are for this permit requirement. Revise the document to clearly identify the desired outcomes, requirements and deliverables. Based on more clarity regarding the actual proposed permit language, additional comments may be forthcoming. It is difficult at this stage of proposal development to comment on deliverables and deadlines.
4. Because of the pattern and degree of development throughout the region, Tacoma feels it is appropriate that this new requirement apply to both Phase I and Phase II permittees.
5. Many jurisdictions subject to the proposed watershed planning requirements have already developed stormwater planning processes for watersheds on the jurisdictional scale and are currently using these processes to develop prioritized plans. Ecology acknowledges these efforts and encourages Permittees to use/build upon prior plans to fulfill this requirement (Framework p.4). However, the proposed framework is so rigid that jurisdictions may delay their current planning and prioritization program to align efforts with the Permit requirements and effective dates which could delay efforts by more than a year, which is not a desired outcome. Allow jurisdictions with existing programs to use those programs to meet the proposed Permit requirement.
6. This process will require additional resources that will likely utilize the same resources allocated for system retrofits. This Permit requirement could jeopardize the installation of retrofits that have a known immediate impact on receiving waters.
7. The timeline for the proposed activities will likely extend beyond the upcoming permit cycle. The proposal needs to be tailored for what can be realistically accomplished within a permit cycle and may need to be specific to each jurisdiction.
8. The guidance (page 5, Line 24) appears to direct permittees to update or revise new and redevelopment mitigation requirements. New and redevelopment mitigation requirements are

established by Ecology. If Ecology has determined that these mitigation requirements are not protective, changes to the Permit language under S5.C.5 should be established by Ecology and either be applied to all permittees or specific areas based on specific scientifically established needs of that area. Ecology should not request individual permittees to take on refinements to new and redevelopment regulation.

9. This proposed requirement will require a significant amount of work to be completed in silos across the State. Ecology should consider a leaner approach and lead a coordinated effort for watershed planning that goes beyond the Watershed Characterization Study. A coordinated effort could prioritize the highest priority basins or catchments across Puget Sound. The current proposal may result with one jurisdiction's high priority basin being equivalent to another jurisdiction's low priority regarding overall impact to Puget Sound. This process will not identify the highest priority basins in Puget Sound, at a minimum there will be 93 priority basins if each jurisdiction prioritized only one.

The following are specific comments on the language contained within the proposal:

- a. Provide specific definitions for basin, watershed areas, catchments areas, highest priority basins, Puget Lowlands, Jurisdictions in Puget Sound, watershed inventory, and receiving waterbody subbasin.
- b. Use the same units of measurement throughout the document. The City of Tacoma recommends acres.
- c. Use consistent language throughout the document. Ex.) Replace Site and Subdivision approach with new and redevelopment requirements.
- d. Page 1, Line 6 states, "but there are few requirements that are tied directly to receiving waters." This statement is not accurate – the application of onsite stormwater management, water quality and flow control thresholds are based upon the type of receiving water as well as the proposed language for S5.C.10 Education and Outreach in the proposed Phase I permit. Consider revising language.
- e. Page 1, Line 13: Enhanced Maintenance has been proven to be an effective innovative program overlay at a fraction of the cost. Consider including this option.
- f. Page 1, Lines 20-22: For jurisdictions most capital projects are opportunistic; this Permit section needs to consider the real world factors that must be considered for local governments: political views, land availability, etc. Additionally, it is stated to consider near-term timeline and readily achievable outcomes. Remove this statement; projects that are on a long term timeline may have greater benefits than those with a near-term timeline.
- g. Page 2, Lines 14-15: It is our understanding and is stated on Page One that the counties were required to utilize a watershed in an urban growth area. These areas are designated for growth and rezoning would have significant implications.
- h. Page 2, Line 18: Although rezoning may not appear to have cost, the planning effort to do this is timely and costly. Additionally, jurisdictions need to look at the entire city bottom line as most of the City's revenues are generated from areas zoned with areas of higher density or

commercial uses. These statements are narrowly focused on stormwater costs and are misleading.

- i. Page 3, Line 10: The objectives section are not objectives, they are steps to follow in order to meet the intent of the document. Consider revising section II and III to more clearly identify the objectives permittees are required to meet and eliminate the prescriptive steps required to be taken. Objectives should clearly state why watershed planning is to be completed, not how to do it or what needs to be done.
- j. Page 3, Lines 22-25: seems to suggest limiting development which, depending on location, could be in conflict with the Growth Management Act and private property rights. If water is impaired it is not because of undeveloped parcels, typically, it is because of development, and so private owners of undeveloped land would be unfairly restricted due to the acts and impacts of others.
- k. Page 3, Line 27: Do not include the types of representatives that must be included on the interdisciplinary team in the permit language. The team should be based upon the needs of the receiving water and community.
- l. Page 3, Lines 22-25: A list of catchment plan items are provided in this section and Page 4 lines 32-35. They are similar but different. Consider only providing this information in one location.
- m. Page 3, Line 41: requires Permittee's to provide an interim report. It is unclear why this document is necessary. Does Ecology intend to review this report? Interim reports can be cumbersome. It is assumed that Permittee's will be required to provide information about this program in the annual report which should provide information necessary to show Permittee's are meeting their Permit obligations.
- n. Page 4, Lines 1-2: Percent impervious can require a significant amount of work and may not be the determining factor in prioritizing basins. Consider relocating percent impervious to catchment planning.
- o. Page 4, Line 5: It is unclear how a jurisdiction will be informed if their geographic boundaries contain at least 10% of a total watershed area since each jurisdiction will be developing the basin areas independently. The independent characterization of a basin without approval from another jurisdiction may affect that effort required to complete the watershed planning effort. Ecology or a single third party entity should approve the basin boundaries. Are steps #1-#3 required if your basin is less than 10% of the total watershed? Should this be the first step instead of the 4th?
- p. Page 4, Line 9. Because Ecology is requiring the use of the Building Cities in the Rain Guidance Document it should be available for public comment as related to this requirement.
- q. Page 4, Lines 10-11: define what is meant by a qualitative and quantitative assessment of receiving water – provide the exact parameters to include.
- r. Page 4, Lines 16-18: It is stated that highest priority basins are expected to benefit more quickly. Remove this statement; projects that are on a long term timeline may have greater benefits than those with a near-term timeline.
- s. Page 4, Line 21: It is stated: give highest priority basins to watersheds in need of protection. Remove this statement or revise to include restoration.
- t. Page 4, Line 29: It is unclear if every item under this section is required for planning for every catchment area or if jurisdictions can choose a single catchment area. The City of Tacoma

recommends at this stage this effort should only be required for those catchment areas that have highest priority.

- u. Page 4, Lines 29-35: What is “an appropriate combination” and who decides what an appropriate combination is? Provide additional guidance for adequate selection of BMPs to meet this requirement.
- v. Page 5, Item d, Line 21: explain/clarify and define “required to get credit for other changes to your SWMP.”
- w. Page 5, Item 4: define and clarify “public review process” and “discussions with planning officials.”
- x. Page 5, Item 5: define effectiveness assessment.
- y. Page 5, Item 5: any type of effectiveness assessment would likely begin or at least not be complete within the proposed upcoming permit term; all requirements should be completed within the next permit term.