City of Olympia

The City of Olympia appreciates this unique opportunity to comment informally on the Department of Ecology's preliminary draft municipal stormwater permit language for the 2019-2024 permit cycle. The City likes a lot of the proposed updates and welcomes the opportunity to strengthen stormwater management through the permit framework provided. While the City agrees with much of the proposed language there are some portions we believe need further refinement.

The City has provided comments below as well as attaching a comment matrix labeled "Exhibit A" with comments on specific sections of the proposed permit language.

Source Control Program

The City welcomes the creation of a Source Control Program focused on Business Pollution prevention. We believe this will allow for greater protection of water quality in controlling pollution closer to the source. While we agree in the creation of this program, we see concerns with the timeline proposed by Ecology for creating and rolling it out to the public. We believe a successful program requires more time to thoughtfully develop and build in tandem with the business community. We must ensure the business community is fully aware and understands the importance and need for this program. Businesses that have been operating at their current capacity may be surprised and concerned with many of the changes they must make in order to comply with this regulation standard. It will take education and fostering of relationships to gaining support for this change.

The City requests an increase to three years in the timeline for ordinance adoption. As well as an increase to three and a half years to begin inspections. This will allow the City more time to include the business community and ensure support through the ordinance adoption process.

The City also sees a potential conflict in permit overlap in requiring municipal stormwater permittees to inspect industrial sites that are permitted under other stormwater permits through Ecology. In order to reduce any potential conflict in working with businesses that operate across/within multiple municipal and agency jurisdictions, we recommend Ecology develop a guidance document that is released concurrently with the issuance of the new permit. The guidance document could outline appropriate procedures in understanding jurisdictional authority, outline a proposed process for navigating steps in working with businesses on contentious issues and escalating concerns, a conflict resolution process for when jurisdictions are in disagreement, etc.

IDDE Program

In reviewing the preliminary language for IDDE tracking and reporting requirements the City finds concern with the use of the term "potential" for reporting purposes. The concern comes in understanding how to develop a program around reporting for a nebulous idea such as this. It has been said the term "potential" will only relate to documentation required for annual reporting. The problem with this thinking is most programs developed by the City are designed based on reporting requirements. Programs are developed by working backwards from reporting goals in order to capture what is necessary in order to meet those goals. The City suggests using the term "investigation" instead. Illicit discharge investigations could then be defined such that Ecology obtains the reporting information sought after.

In 2017, the City of Olympia reported on 15 illicit discharges. Based on proposed language, there will be an increase in illicit discharges reported to Ecology by the City of Olympia. The City conducted 55 illicit discharge investigations in 2017. Ecology's proposal to allow use of WQWebIDDE for less than 50 illicit discharges means the City of Olympia will not be able to use this tool as an option. If Ecology is proposing to provide a reporting portal it should be available to all municipalities with interest in using it, not limited.

Education and Outreach

The City appreciates the existing education and outreach language in the 2013-2018 permit. It allows the City to openly explore and be creative in the campaigns we develop. The language in the 2013-2018 permit has allowed the City to incorporate CBSM into our current programs and campaigns without an explicit requirement by Ecology. In fact, the City began the process of developing a CBSM program for construction stormwater and erosion control in 2017. There is concern with tightly defining requirements of the education and outreach program in fear that creativity may be stifled. Fresh new ideas may be necessary to find and develop breakthroughs in societal awareness, media campaigns, social sciences, and other areas currently unknown. Tightening language and regulation may prevent creativeness and may limit groundbreaking ideas. The City hopes Ecology will consider this concept, not only for education and outreach, but other permit sections, as well as consideration on a greater scale of water quality management as a whole.

Please review the attached excel spreadsheet with further comments and questions to specific preliminary draft language.

Thank you again for this opportunity to comment on the preliminary draft municipal stormwater permit language. The City looks forward to working with Ecology in furthering the success of the permit in its use as a tool to preventing, educating, and responding to the growing threat of water quality degradation. The City of Olympia is committed to providing its citizens a healthy environment today and into the future in which to live, play, and conduct business. If you have any questions regarding these comments please contact me at (360) 753-8097 or email jgraham@ci.olympia.wa.us.

Sincerely,
Jeremy P. Graham
Storm and Surface Water Quality Planner
City of Olympia

Program Title	Permit Section	Specific Language	Comments
IDDE tracking and reporting	3	"Attach a zipped xml file"	The City has concerns regarding the ability to provide a zipped xml file. This will not be an easy task using the flat file asset management system currently used by the City. The City would need to go through a pretty robust process in order to extract the data and turn it into csv format and then convert it into an xml format. If the City were to move to a GIS reporting standard, there is concern with the amount of work involved in program code writing in order to extract an xml file. Any of these options just creates duplicative work effort. The City currently operates over 400 software programs with ten employees. The City suggests the following options that may be easier for Ecology to get the data and documentation they are looking for and simpler for other municipalities. The suggested format is for Ecology to provide an empty schema and an empty excel spreadsheet both in formats that Ecology wants. This would allow a municipality the option of collecting data and reporting in either of the two formats. These formats should be easy for Ecology to upload into any database format for their use. Another recommended option would be for Ecology to develop/build their own collector app to collect a location point and input tabular data. There are free apps like ESRI collector or Survey123. There could be a service contract that allows municipalities to log into an enterprise service account and collect data in the field in real time. Then the data would be reported instantly to Ecology. Because the data would be housed on Ecology's server, there would be a need for a protocol in which municipalities could obtain the data for their records.
IDDE tracking and reporting	Schema #15	education/technical assistance	This is not a correction/elimination method. This should be its own E&O field with drop downs. Some options for drop downs include technical assistance provided, education material provided, posted education material onsite, referral for training, etc.
IDDE tracking and reporting	2	"...potential illicit discharge..." and "...potential incidents..."	the City is concerned with the term "potential" in front of illicit discharge or incidents. The definition of potential means having or showing the capacity to become or develop into something in the future. It's unclear how to develop our program around verbiage like this, it is difficult to understand where an illicit discharge investigation would start or stop. There is a "potential" for an illicit discharge in every vehicle that travels down the road, or every restaurant grease container, every covered stockpile, every construction site, etc. There is a need for a better defined term that provides a beginning and an end point.
Education and Outreach (E&O)	S5.C.1	"Each Permittee shall implement what is developed regionally at the local jurisdiction."	We would like the flexibility to have this be optional. While we work in tandem with our regional partners, sometimes we have our own unique messaging or priorities specific to our jurisdiction, watershed, or constituency. We wouldn't want to be locked into something we disagree with. Using the verbiage "shall" means we are locked in. Our recommendation is to remove this sentence.
Education and Outreach (E&O)	S5.C.1.a.i.a	"Impacts of illicit discharge and how to report them"	By removing the subject area "Impacts of illicit discharge and how to report them" It limits our ability to reach and educate the general public regarding how to identify spills; when and how to report them. A large portion of the population is still unaware about basic stormwater pollution and the need to prevent and respond to spills. Often illicit discharges are discovered in heavily populated areas by municipal staff. Many citizens will be walking through the spill and never bother to question the problem, let alone make a notification. We still need to educate the public on this issue.
Education and Outreach (E&O)	S5.C.1.a.ii.a.		Under Target Audiences, need to include Engineers, Contractors, Developers, and Land Use Planners. Under BMPs, need to include Sediment and Erosion BMP's. If these are not included, then jurisdictions are unable to develop CBSM campaigns targeting Sediment and Erosion Control for Construction. In Thurston County this is a high water quality priority and we have already begun the process of developing CBSM Programming at a Regional level. Our partners in this CBSM program development include Department of Ecology, Thurston County, Cities of Lacey, and Tumwater staff. This has been over a one-year effort already, and we are 1/3 of the way into program development. The City wants to be ensured the CBSM program we are currently working on will be accepted by Ecology for reporting purposes in the 2019-2014 NPDES Permit. If our program does not meet the proposed language requirements, we will be forced to quit our current campaign process in order to begin work on another such that we meet the permit requirements.

Education and Outreach (E&O)	S5.C.1.b.i.	"...each Permittee shall conduct a new evaluation of the effectiveness of the ongoing behavior change program (required under S5.C.1.a.ii of the 2013-2018 Permit)."	There is concerns regarding conflicting language "shall" and "ongoing" in the following statement "Permittees "shall" conduct a new evaluation of the effectiveness of the "ongoing" behavior change program under the 2013-2018 permit" and section iii under b. "Develop a strategy and schedule for a new target audience and BMP behavior change campaign" We believe in using the language "shall" and "ongoing" that we are restricted to updates to our programs and campaigns under the current permit. This will prevent us from creating a "new target audience and BMP behavior change campaign" that fall under the requirements of the new permit to develop CBSM campaigns for high local water quality priorities.