



Abbey Stockwell  
Municipal Stormwater Permit Writer  
Water Quality Program  
Washington State Department of Ecology  
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Olympia, WA 98504-7696

November 14, 2018

Dear Abbey,

The Stormwater Work Group (SWG) is comprised of representatives of a diverse set of stakeholders. This letter is the final product of discussions among the SWG's representatives of local, state, and federal government agencies, Tribes, and environmental groups. Organizations included in each of these groups are likely to submit their own individual letters. We are submitting this letter as a group that has listened to and considered others' concerns and perspectives, and strived to reach consensus.

We appreciate the opportunity to comment on the formal draft municipal stormwater permit language for the 2019-2024 permit cycle. Our comments below are limited to the language Ecology has proposed for Special Condition S8 Monitoring and Assessment. We appreciate that Ecology included a section in the permit fact sheet's scientific background chapter on how SAM findings so far have influenced the permit.

The SWG agrees with the approach and specific permit language to support continued implementation of Stormwater Action Monitoring (SAM) receiving water status and trends monitoring, stormwater management effectiveness studies, and source identification projects. This "three-legged stool" of monitoring and assessment is needed to provide robust and meaningful adaptive management information for ongoing improvement of local governments' stormwater management programs (SWMPs) and activities, and of Ecology's permit requirements. The SWG supports and recognizes the importance of both local and regional monitoring programs to answer different questions. Our goal is to continue to learn from and leverage the various types of monitoring conducted throughout western Washington.

We appreciate that the proposed S8 permit language is quite similar to the current permit that was issued in 2012 and effective in 2013. We agree with most of the key changes proposed in the draft language and have these specific observations related to sections of permit language:

1. We agree with removing the 2013 permit condition S8.A that required permittees to submit non-permit-required monitoring information through their annual reports.
2. We agree with the new requirement in S8.B that permittees provide data for SAM effectiveness studies. Very few permittees provided data for the two SAM effectiveness studies that required it during the 2013 permit cycle. The new requirement will help SAM provide permittees in turn with more meaningful findings, results, and recommendations on the permittees' highest priority study topics. We appreciate that the fact sheet language clarifies that the SWG, with a strong voice of permittees at the table, will approve any studies that might invoke this requirement. The SWG intends to oversee the timing, scope, and extent of each request to ensure this is a reasonable expectation and is limited to the types of information permittees are currently keeping records for to document their required SWMP activities.
  - a. The permit appropriately specifies that the request will come from the SAM Coordinator. Permittees would appreciate the permit specifying more detail about how and when such requests would be made and how the permit requirement would be fulfilled.
    - Specifically, what will happen if a permittee does not have the data, and whom in the permittee's organization would receive the request?
    - Permittees are also concerned about getting vague requests, or requests that are not related to particular permit requirements.

- Ecology could consider making the timing of this requirement coincide with the submittal of the annual report.

The SWG and our Effectiveness and Source Identification Subgroups will do our utmost to have these data requests defined in the study proposals that come under consideration for our approval as SAM studies.

- b. To address permittees' concerns about the potential burden imposed by this requirement, the permit should further clarify that this request will occur no more than once per year during the permit cycle.
3. The SWG agrees with the payment amounts and timing for both S8.A and S8.B. Each permittee's annual payment is lower while preserving an adequate level of funding for each SAM component. Listing all of the SAM payment amounts in the new, separate appendix is helpful for transparency.
  4. We are not providing comments on the S8.B Lower Columbia (LC) Urban Streams Monitoring sections. This monitoring is similar in intent and scientific basis to the Puget Sound Stream monitoring, but the SWG will rely on the Lower Columbia group of stakeholders to oversee the specific priorities, design, and budget for that project. However, because Ecology intends to ask the Pooled Resources Oversight Committee (PRO-C) to review the contract scope of work and oversee the study as it does for any other SAM project:
    - a. We insist that Ecology maintain the SAM funds for this LC study in a separate account, and that the project pay for Ecology's administrative costs from that account.
    - b. We recommend that the LC permittees consider having a representative on the PRO-C. Clark County would have to recuse themselves from any voting on this specific project.
  5. For S8.A Status and Trends Monitoring in Receiving Waters: SWG members did not reach consensus about the proposed alternative to pooled funding contributions. We have these specific observations on the proposed alternative:
    - a. The SWG agrees that the regional receiving water monitoring provides substantial value to Ecology, the permittees, and the other stakeholders in improving our understanding of stormwater impacts and, over time, measuring our progress in gaining positive changes in receiving water conditions. Permittees can compare their data to regional findings and put local water quality problems in perspective.
    - b. The proposed opt-out alternative to conduct stormwater discharge monitoring will not improve our understanding of receiving water conditions, but it is the monitoring that the regional monitoring program was conceived to replace.
    - c. Some SWG local government representatives continue to prefer the alternative provided in the current permit.
    - d. Some SWG local government representatives maintain that because the proposed alternative option of stormwater discharge monitoring is not receiving water monitoring, it is not an appropriate alternative for this permit section.
    - e. SWG state and federal agency representatives agree with the proposed alternative option of stormwater discharge monitoring.
    - f. While SWG state and federal agency representatives would prefer there be no opt-out alternative, they understand the both desire of permittees to have a choice and the rationale for Ecology's proposed language.
    - g. The Phase I permit language in S8.B.2.b.i.a creates redundancy and confusion, and we recommend removing it to be clear as to the additive nature of the number of sites required. The S8.C language is clear; and the Phase II language is clear.



6. For S8.B Effectiveness Studies and Source Identification: Overall, the SWG supports the formal draft effectiveness studies alternatives. In our January 2018 comments, however, SWG members recommended that Phase II permittees should have an alternative similar to the Phase I alternative in the current permit to pay in half of their SAM cost allocation and to also conduct an effectiveness study of their own. SWG members now have varying opinions about how important this is, considering that many Phase II jurisdictions are already sponsoring SAM studies. We understand that Ecology might have limited capacity to ensure that all of these studies are of high quality and regional relevance.
- a. The SWG members would like Ecology to clarify the Phase I S8.B.2.c alternative. SWG members understand that this alternative, both as written in the 2013 permit and proposed in the 2019 permit, allows a permittee to pay in half of the amount for effectiveness studies and conduct a local receiving water monitoring study that provides information about effectiveness of specific stormwater management actions in the contributing watershed.
- SWG local government representatives would like Ecology to also allow the Phase II permittees to select this alternative. The SWG could use this information to learn what is important to local governments.
    - This could be included in the form of a different S8.C alternative, as another choice besides outfall monitoring.
    - Permittees selecting this option should be required to provide a presentation and fact sheet on the monitoring study findings.
    - Permittees could use a boilerplate QAPP similar to those provided as guidance for the Phase I permit, or could follow a SAM QAPP (such as the Redmond paired watershed study) as a starting point.
    - Jurisdictions need more ways to tailor their implementation of permit requirements to their local water quality concerns.
  - SWG members of other caucuses point out that receiving water monitoring focused effectiveness studies may be proposed in the SWG existing study identification and selection framework as SAM studies. Such proposals may be ranked, evaluated, and potentially funded by SAM.
    - The SWG Effectiveness and Source Identification Subgroups will specifically articulate this option in the process for the next round of SAM study selection to ensure that Permittees know it is a possibility.
- b. Please retain these “Reporting requirements” in the boilerplate QAPP templates used by Permittees selecting this option: producing fact sheets and sharing their findings with other permittees in the region.

Thank you again for this opportunity to comment on formal draft S8 Monitoring and Assessment language for the 2019-2024 municipal stormwater permits. The SWG appreciates Ecology’s commitment to supporting SAM and continuing this innovative approach to permit-required monitoring with priorities and projects identified by our group of stakeholder representatives. If you have questions about these comments please contact me at (253) 502-2109 or SWG Project Manager Karen Dinicola at (360) 407-6550.

Sincerely,



Dana de Leon, Chair