

Attachment 2

Conceptual Alternative to Phase II Municipal NPDES Permit Section S5.C.1.c: Comprehensive Stormwater Planning

Proposal for a watershed-based, multijurisdictional long-range MS4 planning alternative to the Phase II Municipal NPDES Permit Section S5.C.1.c: Comprehensive Stormwater Planning

One of the purposes of long-term MS4 stormwater management action planning is identifying the stormwater management strategies needed to control stormwater runoff for the protection and restoration of the beneficial uses of receiving waters. To meet this purpose, Ecology has drafted Section S5.C.1.c in the Phase II Municipal NPDES permit as a planning and prioritization process to identify structural retrofit needs and tailored management strategies and actions (programmatic activities), and the development of tools to prioritize them.

Ecology's current proposal for comprehensive stormwater planning has three primary elements, S5.C.1.a, b, and c. This memo presents a conceptual alternative to the requirements Ecology is proposing in the Phase II permit section S5.C.1.c, Stormwater Management Action Planning (SMAP).

This alternative proposal offers a multijurisdictional watershed-based approach to S5.C.1.c. This alternative is intended to be equivalent to S5.C.1.c, except that it prioritizes specific stormwater management BMPs within the boundaries of a watershed rather than limiting the geographic scope to within the permittee's permit boundary. This would result in the ability of multiple permittees to focus long-range planning efforts on one or more priority receiving waters.

ALTERNATIVE PROPOSAL

Consistent with the organizational structure of the draft permit language the proposed alternative consists of three parts of Element 3:

- a. Basic receiving water & contributing area inventory and assessment:

Permittees involved in the multijurisdictional approach would collect available data and characterize receiving waters (e.g. tributaries, lakes, and wetlands) and contributing areas that would benefit from stormwater management planning within a watershed. This process would collect and inventory the same data required under Ecology's approach but would be done at a watershed-scale. Permittees can meet the requirement by participating in the multijurisdictional effort.

Compliance: Submittal of a report describing the inventory and characteristics of the MS4 receiving waters and contributing areas using all available information. Identify data gaps and develop a plan and protocol to improve "state of knowledge."
- b. Prioritization of a watershed's sub-basins for tailored management actions:

Permittees involved in a multijurisdictional approach would collectively implement a process to identify and prioritize those sub-basins, within the watershed, that would realize the greatest benefit to the receiving waters from stormwater management efforts. The goal of this component is to identify structural retrofits and programmatic activities that reduce pollutant loading and control flow volumes and timing.

Compliance: Submission of sub-basin rankings and a description of the prioritization process that also describes how the results of the prioritization process is used to inform

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future stormwater retrofit projects and/or other tailored management strategies and actions.

c. Stormwater management action plan (SMAP)

The SMAP for the multijurisdictional alternative approach would identify high priority sub-basins throughout an entire watershed. Under this alternative, the SMAP would identify structural retrofits and programmatic activities, a proposed implementation schedule, and explore possible budget sources or barriers to implementation within the watershed boundaries. Similar to Ecology's proposed plan, the SMAP would identify short term actions, long term actions, and a process to adaptively manage this multijurisdictional watershed scale plan.

Compliance: Submission of a watershed scale SMAP that combines the work done by each of the participating jurisdictions.

CHALLENGES

In developing this alternative, King County has identified a few possible issues that may require further discussion. This is not an exhaustive list.

- i. This alternative needs to be equivalent to Ecology's intent and forward looking to anticipate how the SMAP would be implemented in future permits.
- ii. While the alternative proposal doesn't discuss watershed size, one idea the County supports would be selecting watershed boundaries similar to the WRIAs. Many of the goals outlined in this alternative are similar to those of the WRIAs, and partnerships are already in place. However, the County would support different scales depending on the character and needs of the drainage.
- iii. This proposal suggests the SMAP could be organized by looking at the entirety of the watershed, and prioritizing sub-basins irrespective of jurisdictional boundaries. This could be challenging if a participating jurisdiction has already identified and designated priority basins within their city limits but outside of the watershed boundary.
- iv. Based on King County's experience developing a multijurisdictional effort in the Bear Evans basin planning requirement in the 2007 Permit, it takes longer to complete. Ecology should consider extending the SMAP submittal date for those jurisdictions participating in this multijurisdictional alternative.
- v. Does compliance with this alternative relieve a jurisdiction from completing all three of Ecology's proposed parts of S5.C.1c within the remaining portion of their jurisdiction that lies outside of the watershed?
 1. This proposal advocates for a jurisdiction to have a majority of land area draining to the watershed. What are the expectations for the rest of the land within the boundaries of that jurisdiction? King County would advocate that participation in one multijurisdictional watershed effort would meet the requirement.

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2. An alternative to this proposal would be for each jurisdiction to prioritize within the area of their jurisdiction that drains to the watershed, using the same prioritization process identified in S5.C.1.c.ii . This would at least allow for participating jurisdictions to have a consistent prioritization method in an attempt to work towards a similar goal.
 3. The next step would be to centralize the jurisdiction's prioritization into an OGD SMAP. However, due to the added level of coordination, this may create a Phase II effort in excess of the Ecology proposal.
 4. Since the parts of this alternative build on each other, with each element dependent on the preceding one, it would be most effective if the participating jurisdictions are committed to all three parts of the watershed approach.
- vi. Some of the other questions/challenges that arose during conversation include:
1. Would Ecology want to see agreements, or ILA's in place as a possible method for demonstrating committed participation for compliance?
 2. As this requirement is developed and look forward to implementation, Ecology should consider that retrofit programs are often driven by factors other than restoring beneficial use of receiving waters. For example restoring aging/failing infrastructure, flood protection, meeting ESA requirements, and accommodating growth under the state Growth Management Act.
 3. Within long term stormwater management planning, there is value in developing a plan and protocol to improve the state of knowledge for receiving waters. Stormwater management actions, as required by the Permit, have an important role to play in the protection and recovery of receiving waters but the permit is not the sole vehicle or solution for the protection and restoration of beneficial uses of receiving waters.
- vii. Identification of short term and long term projects – Implementation Plan
1. Assuming there's consensus on the prioritization methodology within the watershed, what is to be done about a possible outcome where one or more jurisdiction has few high priority sub-basins within the watershed? Under this alternative every jurisdiction within the watershed would have at least one prioritized sub-basin. A city or county would start at the top of the priority list and work their way down until a basin within their jurisdictional boundaries is identified.
 2. The basin planning work done by the Phase I counties demonstrated that establishing metrics for most programmatic activities cannot currently be done, and the best use of long range planning was to focus on the structural retrofit needs. Including programmatic activities in this effort should be limited to the actions found in Appendix 11 (now 12) of the Phase I permit.

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