

Phase I, WW Phase II, and EWA PH II Formal Draft Comments

Document	Section	Page	Comment
Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.1	17 of 92 redline document	Comprehensive Stormwater Planning. Section 1 is an over-reaching permit condition that undermines Chapter 35.70A RCW enacted by the Washington State Legislature in 1990. It also establishes a significant burden to conduct long range planning efforts outside of the GMA mandated comprehensive plan periodic updates. RCW 36.70A.130(5)(a) requires that cities within King County update their Comprehensive Plan by June 30, 2015 and every 8 years thereafter. The City of Auburn is required to complete its next update by June 30, 2023. This section of the permit has the effect of incorporating watershed planning into GMA. The appropriate approach is for DOE to seek amendments to RCW 36.70A instead of a back door approach that folds this requirement into NPDES permit conditions.
Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.1.a.i (a)	17 of 92 redline document	The draft permit inappropriately establishes a new requirement to provide information by March 31, 2020 regarding a time frame that has already passed for a legislatively mandated process that the City was required to complete by June 30, 2015. The City cannot provide evidence of compliance with a permit condition established in 2019 for a process that occurred in 2015.
Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.1.a.i (b)	18 of 92 redline document	The requirement established in this section does not align with GMA mandated updates and creates an unachievable outcome. The City's next comprehensive plan update must be completed by June 30, 2023. The permit inappropriately establishes a deadline that precedes the GMA update requirement by 15 months. The City will not be able to describe what has not yet happened in the future.
Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.1.b.ii	18 of 92 redline document	The compliance date for this permit condition should be changed to December 31, 2024. If the GMA mandated comprehensive plan update must be completed by June 30, 2023 the process to update the implementing development regulations will not be complete during the subsequent 6 months. As a result, the March 31, 2024 deadline should then be changed to March 31, 2025.

Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.1.c.i	19 of 92 redline document	The Permit states that Permittees may choose to meet the receiving water basin assessment requirement individually, or as part of a regional effort. The aggressive schedule set out in the Permit creates a disincentive to regional collaboration. Regional collaboration could result in the ability to better prioritize efforts for maximizing future stormwater management strategies and actions that would lead to improved conditions in the receiving waters. We suggest that the schedule for implementing the receiving water basin assessment be revised to encompass this entire Permit cycle, and that the prioritization process, ranking and SMAP preparation be postponed to the next Permit cycle.
Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.8	51 of 92 redline document	Source control inspection and enforcement will be a significant increase in time, staffing and cost to Phase II Permittees. We agree that this is an important practice to help prevent pollution of stormwater from existing businesses but feel that the time commitment required to implement a successful program will mean that other new Permit requirements (such as the Stormwater Management Action Planning [SMAP], and Public Education and Outreach using social marketing practices) will not receive the attention that they require to be successful. To ensure that all of these new Permit requirements are successful, we suggest that implementation of source control inspection and enforcement be extended into the next Permit cycle.
Draft Western Washington Phase II Municipal Stormwater Permit	S4.F.1	13 of 92 redline document	The Permit language indicates that the Permittee must notify Ecology in writing within 30 days of becoming aware that the Permittee <i>"is causing or contributing to a known or likely violation of Water Quality Standards in the receiving water."</i> The language is in present tense (is causing or contributing to). Please revise the language to include <u>"has caused, or is causing or contributing to a known or likely violation..."</u>
Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.4.a.v.(b)	26 of 92 redline document	Add language that the associated drainage area to be mapped is only within the Permittees jurisdictional limits.

Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.5.a	28 of 92 redline document	Second paragraph "Illicit connections and illicit discharges must be identified through field screening, inspections, complaints/reports, construction inspections, maintenance inspections, source control inspections, and/or monitoring information, as appropriate". What happens if they are identified in some other manner? This sentence doesn't add anything to the Permit and should be eliminated, or be restated to provide direction as a minimum performance measure.
Draft Western Washington Phase II Municipal Stormwater Permit	S.5.C.e.g	33 of 92 redline document	Remove requirement to submit data with the Annual Report for permittees that record the information specified in Appendix 12 using WQWebIDDE.
Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.8.a.iii	51 of 92	If the City is required to enforce local ordinances at sites with discharges authorized by a separately issued NPDES permit, then we request that Ecology provide each jurisdiction with a summary of permit conditions for each non-municipal permit issued within the Municipal Permittees area of coverage.
Draft Western Washington Phase II Municipal Stormwater Permit	S5.C.8	51-52 of 92	The City is concerned about the language in S5.C.8.a.i and S5.C.8.b.i which indicates that structural retrofits on existing non-conforming private and public property are required if operational source control BMPs do not prevent illicit discharges, etc. If Ecology plans to keep this structural retrofitting language, please provide the legal basis that Permittees can use to justify implementation of this retrofitting requirement.
Draft Western Washington Phase II Municipal Stormwater Permit	Appendix 12	1 of 38	Number 7. Discharge to MS4? Clarify intent regarding discharges to the street surface which is part of the MS4. The current question would be answered Yes <u>and</u> No if there was a spill to the street surface (i.e. the MS4) and the spill was cleaned up.
Draft Western Washington Phase II Municipal Stormwater Permit	Appendix 12	5 of 38	Under Improper business operation or activity are a list of activities (i.e. Equipment cleaning, Pressure washing, Leaking dumpster, etc.). Also included are business types (i.e. Drive-thru, Mobile business, Restaurant). We suggest that the business types be removed from the list since they are not improper operations or activities by nature. These business types should be replaced with activities that occur at these businesses that may be done improperly, such as: Waste/wash water disposal, Vent/filter cleaning, Uncovered outdoor storage.