

Phase I, WW Phase II, and EWA PH II Formal Draft Comments *Page #'s ref. Redline Version

Name	Document	Section	Page	Comment
Sumner	WWA Phase II	Comprehensive Stomwater Planning (WWA)	17	"On or before March 31, 2020, the Permittee shall describe how water quality and watershed protection were addressed during the 2013-2018 permit cycle in updates to the Comprehensive Plan (or equivalent) and in other locally initiated or state-mandated long-range land use plans that are used to accommodate growth, or transportation." This section should be either removed or modified since addressing stormwater and watershed protections in the Comprehensive plan were not required during the 2013-2018 permit cycle. If not removed section should ask permittees "to identify existing policies in long range plans which could address water quality and watershed protection"
Sumner	WWA Phase II	Comprehensive Stomwater Planning (WWA)	18	"On or before March 31, 2022, the Permittee shall describe how water quality and watershed protection are being addressed during this permit cycle" appears to conflict with the deadline for LID code updates which would be related to water quality protections. The date for this section should either be moved to coincide with the "March 31, 2024" LID review results or modify the section to "On or before March 31, 2022, the Permittee shall describe the approach to evaluating water quality and watershed protection are being addressed during this permit cycle"
Sumner	WWA Phase II	Comprehensive Stomwater Planning (WWA)	19	"Where significant gaps in the state of knowledge exist, a plan and protocol should be developed to improve the assessment" This section alludes to an additional requirement to conduct sampling which was not previously required. Small jurisdictions such as Sumner have opted for the RSMP/SAM payment since staffing and funding would not allow for development/implementation of monitoring plans and protocols. Appendix 9 also states that a QAPP (which presumably would be required with the additional monitoring) "shall be developed by qualified staff or contractors with experience in applying Ecology or U.S. Environmental Protection Agency (EPA) QAPP Guidelines." which means that even if staffing exist which could fill this requirement, they likely aren't qualified according to appendix 9. This permit section should either be removed, clarified to avoid imposing additional sampling/plans, or funded by either Ecology or SAM.
Sumner	WWA Phase II	Comprehensive Stomwater Planning (WWA)	20	"No later than December 31, 2022, Permittees shall develop a Stormwater Management Action Plan (SMAP)" This date should be changed to coincide with the reporting from LID requirements which is "March 31, 2024" since many of the actions and needs for retrofits will relate to the "local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and LID BMPs."
Sumner	WWA Phase II	Education and Outreach	21	"Permittees may choose to meet these requirements individually or as a member of a regional group." Please define what level of group participation is required to meet this. Is implementing programs developed by the group sufficient, or is active meeting participation required?

Sumner	WWA Phase II	Education and Outreach	21	"If a Permittee chooses to adopt one or more elements of a regional program, the Permittee shall participate in the regional group..." this requirement makes it seem as though use of regional group material is not allowed unless active participation in the group is done. Request shall be changed to "is encouraged to" to still allow the usage of PSSH campaign for permittees who are unable to regularly attend STORM meetings.
Sumner	WWA Phase II	Education and Outreach	21	"Based on the target audience's demographic, the Permittee must consider delivering its selected messages in language(s) other than English." We are in agreement that translation of materials should be required where necessary, but requests that a regional or ecology provided translation service be available to assist smaller jurisdictions.
Sumner	WWA Phase II	Education and Outreach	21	"The program design shall be based on local water quality" sounds like a good concept, but many targeted behaviors can't directly be traced to the local water quality data. Requests that the section require education programs to address local water quality when available.
Sumner	WWA Phase II	IDDE	33	"Permittees shall track and maintain records of the activities conducted to meet the requirements of this section." Please specify that this requirement can be met by recording directly to WQWebIDDE
Sumner	WWA Phase II	Controlling Runoff (WWA)	34	"Prior to January 1, 2017 that have not started construction by January 1, 2022." Clearly define what started construction means. This permit section should be black and white to support decisions made by development reviewers.
Sumner	WWA Phase II	Operations and Maintenance	50	"A detailed description of the operational and structural BMPs in use at the facility and a schedule for implementation of additional BMPs." This section sounds as though additional BMP's will be required to be added to the facilities, is that the intent? If not please include "Additional BMPs as determined during annual inspections". With no implementation time this requirement would put the permittee out of compliance immediately. Request time (such as by January 1st 2019) to develop plans for which additional BMPs should be implemented and a timeline for when that's possible.
Sumner	WWA Phase II	Source Control Program (WWA)	51	"Application of operational and structural source control BMPs, and, if necessary, treatment BMPs/facilities to pollution generating sources associated with existing land uses and activities." Requiring private businesses to install stormwater retrofits which may have a significant financial impact on property owners who developed their property prior to when water quality treatment standards went into effect. If this is the intent of the section, funding should be made available to assist private property owners in completing these retrofits.

Sumner	WWA Phase II	Source Control Program (WWA)	51	"Application and enforcement of local ordinances at sites, identified pursuant to S5.C.8.b.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology." Permittees should not be responsible for enforcement on Ecology permitted facilities. Facilities with direct "discharges authorized by a separate NPDES" also should not be regulated under the municipal Ms4 permit since these facilities do not connect to the cities MS4.
Sumner	WWA Phase II	Source Control Program (WWA)	51	"Application and enforcement of local ordinances at sites, identified pursuant to S5.C.8.b.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology." If a facility violates the water quality standards listed in their permit, is that putting the city out of compliance with the other terms in this permit section?
Sumner	WWA Phase II	Source Control Program (WWA)	52	"Structural source control BMPs, or treatment BMPs/facilities, or both, must be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges or violations of surface water, groundwater, or sediment management standards because of inadequate stormwater controls." Is this requirement aimed at reducing the individual businesses stormwater water quality, or overall surface water quality? If individual water quality is the intent, than are surface water standards expected to be applied to each individual's discharge? That is a significant cost and time effort to conduct sampling to determine if each private properties stormwater discharge meets water quality standards or not.
Sumner	WWA Phase II	Source Control Program (WWA)	53	"When a Permittee determines that a facility has failed to adequately implement BMPs after a follow-up inspection , the Permittee shall take enforcement action as established through authority in its municipal code and ordinances, or through the judicial system." The section makes it sound as though a single follow-up inspection requires the permittee to take enforcement action. Some issues take multiple site visits to achieve compliance. Request the red text be changed to " after a reasonable attempt at voluntary compliance "
Sumner	WWA Phase II	Reporting Requirements	73	"No later than March 31 of each year beginning in 2020 2021" The City requests the first annual report date begins in March 2021 to allow full implementation and transition of the new permit requirements.