

Thurston County

Thurston County appreciates the opportunity to respond to the Washington State Department of Ecology's solicitation for comments on the 2019 Formal Draft of the Municipal Stormwater Permits. The attached file contains our comments for your consideration.

We appreciate Ecology's active engagement with stakeholders during the draft permits' development process and hope that the feedback provided is helpful in your deliberations. Please let us know if you have any questions or would like to discuss any of these comments.

Sincerely,

Larry Schaffner
Stormwater Program Coordinator

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

Name	Document	Section	Page	Comment
	WWA Phase II	Comprehensive Stormwater Planning (WWA)	16	S5.C.1.a.i.(a) - For clarity, please distinguish when "Comprehensive Plan " is intended to refer to the Comprehensive Plan required under GMA.
	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17	S5.C.1.b. - Thematically and organizationally, the permit language in this section is more appropriate for inclusion in S5.C.6 as it pertains to controlling runoff from new development, redevelopment, and construction sites.
	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17	S5.C.1.b.i.(a) - For existing permittees, the last sentence seems unnecessary in that the proposed permit as well as the 2012-2018 Permit cycle (extended to July 31, 2019) required implementation of LID principles and BMPs where feasible.
	WWA Phase II	Comprehensive Stormwater Planning (WWA)	18	S5.C.1.c.i. - "Permittees shall document and assess existing information related to local receiving waters and contributing area conditions to identify receiving water that will benefit from stormwater management planning." What are the standards to identify the receiving waters that would benefit from SMAP? How will this be measured?
	WWA Phase II	Comprehensive Stormwater Planning (WWA)	19	S5.C.1.c.ii.(b) , forth bullet - Given the timeline disparities between SMAP completion, please clarify that the SMAP isn't intended to inform development of S5.C.2.a.ii.'s behavior change program during this permit cycle.
	WWA Phase II	Comprehensive Stormwater Planning (WWA)	19	S5.C.1.b.iii - The deadline of December 31, 2022 is just six months after the June 30, 2022 deadline for the prioritization. There is not enough time between these deadlines to develop a plan, find retrofit projects, put them on the Capitol Facilities Plan and get that all approved given the public process that's required by law. Eighteen months between the two deadlines is more realistic given the public involvement process required to seek approval of these types of plans.
	WWA Phase II	Comprehensive Stormwater Planning (WWA)	19	S5.C.1.c.iii.(b) - It is unclear if this means that the plan needs to identify if stormwater retrofits are needed or if individual projects need to be identified. Please clarify.
	WWA Phase II	Comprehensive Stormwater Planning (WWA)	19	S5.C.1.c. - Considering regional coordination takes longer, we suggest increasing compliance timelines to incentivize permittees who desire to coordinate regional on this requirement.
	SMAP Guidance	N/A	9	Second to last paragraph - ". . . is adjacent to or near your coverage area boundary provided that your comprehensive plan includes documentation that the area is under pressure of future development and implementation benefits to a receiving water within the permit coverage areas can be reasonably anticipated." This fails to recognize the fact that rural areas harmed by past development, logging, or agricultural practices and fixing those problems could have a high potential to improve water quality downstream within the permit boundary at less cost than structural controls. Recommend adding language: "Ecology recognizes that in some cases restoration projects outside of the permit-regulated area that were harmed by past development may improve water quality inside the permit-regulated area. " This statement could be a footnote or added to the paragraph to clarify the role of restoration in remediating past harm.

	WWA Phase II	Education and Outreach	21	S5.C.2.a.ii.(b) - Incorrectly presumes that the program required under S5.C.1.a.ii and S5.C.1.c. of the 2013-18 Permit cycle is ongoing. That may or may not be the case depending on the findings and lessons learned from the effectiveness evaluation conducted during that permit cycle. We suggest providing an explanation to clarify the difference between a behavior change <i>campaign</i> (which would be a timebound effort to change one target audience's singular discrete behavior specific to one BMP) and an ongoing behavior change " <i>program</i> " (which would be a Permittee's programmatic strategy and efforts to effect behavior change for any of the target audiences and BMPs identified in S5.C.2.a.ii). The language should also clarify that the new evaluation of " <i>the ongoing behavior change program</i> " could include or consist entirely of a new evaluation of any current behavior change campaign, which may be a different campaign with a different target audience and/or BMP than the one evaluated in the 2013 permit cycle.
	WWA Phase II	Education and Outreach	21	S5.C.2.a.ii.(b) - States: "as part of the <i>new evaluation of the effectiveness of the ongoing behavior change program</i> that <i>Permittee shall document lessons learned and recommendations for which option to select from S5.C.2.a.ii.(c).</i> " If a new behavior change campaign has just begun during this time, it is possible that there may not have been lessons learned generated for that specific campaign yet. In such cases, could " <i>baseline</i> " data or preliminary analysis be documented and used to inform selection of a new target audience and BMP behavior change campaign (i.e., option 3)?
	WWA Phase II	Education and Outreach	21	S5.C.2.a.ii.(b) - States: " <i>No later than July 1, 2020, each Permittee shall conduct a new evaluation of the effectiveness of the ongoing behavior change program . . .</i> " and S5.C.2.a.ii.(c) states: " <i>Based on the evaluation . . . by February 1, 2021, each Permittee shall...develop a [behavior change] program that is tailored to the community . . .</i> " Does this mean that evaluation shall begin on or before July 1, 2020 and should be completed by February 1, 2021? In addition, recognize that it may be difficult to adequately evaluate the effectiveness of a behavior change program so soon after implementation as some types of changes may take longer periods to emerge.
	WWA Phase II	Education and Outreach	22	S5.C2.a.ii.(d) - The proposed timeline should accommodate permittees focusing on a seasonal behavior.
Thurston County	WWA Phase II	Education and Outreach	22	S5.C.2.a.ii.(e) - States: " <i>No later than March 31, 2024, evaluate and report on the changes in understanding and adoption of targeted behaviors resulting from the implementation of the strategy . . .</i> " " <i>Understanding</i> " should not be assumed to be a goal of behavior change campaigns. While some behavior change campaigns will necessitate increasing knowledge or awareness among a target audience before behavior change can occur, in many other cases knowledge deficit will not be a barrier to behavior change. Permittees should have the freedom to design their behavior change campaign to be most effective, which may mean NOT attempting to change understanding. In fact, recent research has shown that in many cases attempting to change an audience's understanding can have a boomerang or backfire effect and can result in resistance to behavior change. Please remove the requirement to evaluate changes in understanding.

Thurston County	WWA Phase II	Education and Outreach	22	S5.C.2.a.ii.(1). - Suggest changing to: "Permittees shall use results of the evaluation to direct behavior change programs most effectively." This suggested rewording allows for situations where evaluation results call for discontinuing the program (e.g., objectives fully met and an ongoing program is not needed, emergence of higher priorities, etc.).
Thurston County	WWA Phase II	Education and Outreach	22	S5.C.2.a.iii. - Change to: "Stewardship. Each Permittee shall create provide opportunities for" to allow Permittees to sponsor partnerships with organizations that offer stewardship opportunities. In addition to sponsoring such organizations, Permittees to assist by promoting stewardship events through advertising and in-kind support.
Thurston County	WWA Phase II	Mapping and Documentation (WWA)	23	S5.C.5.a - It may be difficult to determine whether or not a facility was constructed as a treatment or flow control BMP, especially if it was constructed prior to performance standard requirements. Older systems also often used interchangeable vocabulary making it difficult to determine purpose of facility (i.e., treatment, conveyance, etc.). Suggest creating some type of list matrix that also addresses legacy systems.
Thurston County	WWA Phase II	Mapping and Documentation (WWA)	23	S5.C.4.a.iii. - Suggest rewording to recognize that some stormwater treatment and flow control BMPs/facilities can perform both functions.
Thurston County	WWA Phase II	Mapping and Documentation (WWA)	23	S5.C.4.a.v. - To avoid redundancy, allow the "discharge point" as mapped as an asset (i.e., infiltration ponds and other infiltration BMPs) to suffice for mapping discharge points.
Thurston County	WWA Phase II	Mapping and Documentation (WWA)	23	S5.C.4.a.vii. - Clarify: "all connections" as we suggest excluding small connections such as roof drains and sump pumps. To clarify, possibly state: "All connections greater than 6 inch diameter."
Thurston County	WWA Phase II	Mapping and Documentation (WWA)	24	S5.C.4.b.ii. - As an alternative to mapping connection points as a discrete feature, we recommend providing Permittees the option to identify connections via queries of stormwater asset databases. With Thurston County's extensive mapping effort to capture both public and private stormwater system features, adding discrete points to existing assets indicate connections would cause maps to become illegible due to the large number of MS4 connections. Ironically, this would not benefit for source tracing and IDDE tracking efforts. Rather, it could lead to confusion for field inspection staff and other users of our MS4 mapping data.
Thurston County	WWA Phase II	IDDE	24	S5.C.5.a. - In the second paragraph, change to: "Illicit connections and illicit discharges must may be identified . . ." so as to not unintentionally limit methods for identifying illicit connections and illicit discharges.
Thurston County	WWA Phase II	IDDE	24	S5.C.5.b. - We suggest moving this as a separated requirement to S5C.2. The requirement can then be amended to read: "In support of S5.C.5., permittees shall inform"
Thurston County	WWA Phase II	IDDE	24	S5.C.5.b. - Similar to the language included in S5.C.2 on page 19 which outlines how Permittees can meet requirements either individually or through a regional group effort, we recommend similar allowance for Permittees to meet the IDDE outreach through a regional effort.
Thurston County	WWA Phase II	IDDE	27	S5.C.5.d.ii. - We suggest moving this as a separated requirement to S5C.2. The requirement can then be amended to read: "In support of S5.C.5., a publicly listed and"

Thurston County	WWA Phase II	IDDE	27	S5.C.5.d.iii. - Please consider creating a new municipal staff training permit section that includes all the ongoing and follow-up training program requirements for municipal staff, who, as part of their normal job have permit implementation related responsibilities. In addition, similar to the language included in S5.C.2 on page 19 which outlines how Permittees can meet requirements either individually or through a regional group effort, we recommend similar allowance for Permittees to meet this training requirement through a regional effort.
Thurston County	WWA Phase II	IDDE	28	S5.C.5.f. - Please consider creating a new municipal staff training permit section that includes all the ongoing and follow-up training program requirements for municipal staff, who, as part of their normal job have permit implementation related responsibilities. In addition, similar to the language included in S5.C.2 on page 19 which outlines how Permittees can meet requirements either individually or through a regional group effort, we recommend similar allowance for Permittees to meet this training requirement through a regional effort.
Thurston County	WWA Phase II	IDDE	28	S5.C.5.g. - Thurston County developed our IDDE database attempting to capture the best of the approaches/best practices used by the Center of Watershed Protection; the GROSS grant funded Illicit Connection & Illicit Discharge Field Screening & Source Tracing Guidance Manual, and the SIDAR form. Taking this action represents a significant proactive step in the County's ability to document, assess, and report on illicit discharges and illicit connections. Changing our database's schema to fully reflect the Permit's proposed schema would represent a huge cost and involve a significant investment of time. It would also make it more difficult to utilize the historic and newly collected data in combination to evaluate program effectiveness as well as identify reoccurring problem areas, trends, and areas to focus preventive measures. In addition, incurring such costs sends a message that there are potentially high costs for permittees who take responsible proactive measures. We also do not see the value in submitting "false alarm" incidents as requiring this would represent an opportunity cost where efforts could be better invested in assessing confirmed illicit discharge data to identify local reoccurring problem areas, trends, and areas to focus preventive measures. What policy questions or management actions does Ecology wish to explore by requesting permittees collect and report "false alarm" incidents? If Ecology insists requiring this new schema, we would like allowances for ramp-up time to amend existing databases to conform as our database collects inputs in comment fields vs. pick lists (long pick lists create usability issues, particularly in the field with mobile applications). In addition, to increase the database's utility, it should allow local jurisdictions to query the WQWebIDDE database. Ecology develop a data dictionary to help facilitate accurate and consistent interpretation and documentation of incidents which is critical in drawing accurate conclusions from any data analyses.

Thurston County	WWA Phase II	Controlling Runoff (WWA)	29	S5.C.6.a. - Considering the timing for Phase I permittees to submit their draft stormwater management manual for Ecology review and written response, for Phase II permittees relying on a Phase I equivalent manual, the Phase II permit does not provide enough of a buffer for Phase II permittees to revise their manuals and go through its adoption process.
Thurston County	WWA Phase II	Controlling Runoff (WWA)	31	S5.C.6.e. - Please consider creating a new municipal staff training permit section that includes all the ongoing and follow-up training program requirements for municipal staff, who, as part of their normal job have permit implementation related responsibilities. In addition, similar to the language included in S5.C.2 on page 19 which outlines how Permittees can meet requirements either individually or through a regional group effort, we recommend similar allowance for Permittees to meet this training requirement through a regional effort.
Thurston County	WWA Phase II	Operations and Maintenance	32	S5.C.7.a - Refers to maintenances standards specified in the SWMMWW, but the public review draft of the 2019 SWMMWW's <i>Appendix V-A: BMP Maintenance Tables</i> states: " <i>This topic is not yet read for review - please stay tuned!</i> " Since, <i>Appendix 10</i> does not refer to any content in Volume V as needing to be incorporated to be functionally equivalent, please clarify that the maintenance standards will not change from those contained in the 2014 SWMMWW.
Thurston County	WWA Phase II	Operations and Maintenance	32	S5.C.7.a. - Considering the timing for Phase I permittees to submit their draft stormwater management manual for Ecology review and written response, for Phase II permittees relying on a Phase I equivalent manual, the Phase II permit does not provide enough of a buffer for Phase II permittees to revise their manuals and go through its adoption process.
Thurston County	WWA Phase II		33	S5.C.7.b.i.(c). - Please include a definition of " <i>fully stabilized</i> " in the Permit's definitions section.
Thurston County	WWA Phase II	Operations and Maintenance	36	S5.C.7.f. - Please consider creating a new municipal staff training permit section that includes all the ongoing and follow-up training program requirements for municipal staff, who, as part of their normal job have permit implementation related responsibilities. In addition, similar to the language included in S5.C.2 on page 19 which outlines how Permittees can meet requirements either individually or through a regional group effort, we recommend similar allowance for Permittees to meet this training requirement through a regional effort.
Thurston County	WWA Phase II	Source Control Program (WWA)	37	S5.C.8.a. - Is the term " <i>discharge</i> " being used consistent with the definition of the 2014 SWMMWW (or proposed definition in the 2019 SWMMWW)? Please provide definition of " <i>discharge</i> " in permit's <i>Definitions and Glossary</i> .
Thurston County	WWA Phase II	Source Control Program (WWA)	37	S8.a. - To reduce the likelihood of duplicative efforts regarding inspection responsibilities for facilities located in one permittee's jurisdiction (e.g., a City), but owned/operated by another (e.g., a County maintenance facility), revise language to read: <i>Each Permittee shall implement a program to prevent and reduce pollutants in runoff from areas <u>within its permit-regulated boundary</u> that discharging to MS4s.</i>

Thurston County	WWA Phase II	Source Control Program (WWA)	37	S5.C.8.a.iii. - Unless municipal and Ecology inspectors speak with one voice, duplication of inspections on sites with separated NPDES permits potentially sets up scenarios that pits one inspector's findings against another. This in turn contributes to expectation confusion by the site's owner/operator and compromises inspector credibility. This situation already exists with the Construction and Industrial Stormwater General Permits in situations where Ecology inspectors found no compliance deficiencies, but municipal inspectors determined that corrective actions were needed.
Thurston County	WWA Phase II	Source Control Program (WWA)	37	S5.C.8.b.i - Change language in the second sentence of the third paragraph to read: " 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. " The first deleted phrase makes the Phase II language consistent with the language appearing in the WWA Phase I permit S5.C.8.b.i., second sentence of the fourth paragraph. The later deletion phrase rectifies any implication that the Permittee is responsible under the municipal stormwater permit for preventing illicit direct discharges to surface waters or groundwaters, rather than preventing illicit discharges to the MS4 as indicated as the source control program's purpose as stated in S5.C.8.a.
Thurston County	WWA Phase II	Source Control Program (WWA)	38	S5.C.8.b.ii. - Please clarify, as was done on page 60 of Permits' Fact Sheet (6.5.48), that the inventory only needs to be created once during the permit cycle.
Thurston County	WWA Phase II	Source Control Program (WWA)	38	S5.C.8.b.ii.(b) & S5.C.8.b.iii.(c) - Please clarify whether S5.C.8.b.ii.(b) and S5.C.8.b.iii.(c) require permittees to investigate all complaints that have the ability to discharge to an MS4 or all complaints, even in areas without known MS4s?
Thurston County	WWA Phase II	Source Control Program (WWA)	39	S5.C.8.b.v. - Please consider creating a new municipal staff training permit section that includes all the ongoing and follow-up training program requirements for municipal staff, who, as part of their normal job have permit implementation related responsibilities. In addition, similar to the language included in S5.C.2 on page 19 which outlines how Permittees can meet requirements either individually or through a regional group effort, we recommend similar allowance for Permittees to meet this training requirement through a regional effort.
Thurston County	WWA Phase II	Monitoring and Assessment	48-50	S8.A.2.b., S8.B.2.b., and S8.C - With the emergence of the Comprehensive Stormwater Planning requirement (S5.C.1.), an opportunity exists to create an additional alternate compliance pathway for S8.C. (i.e., an alternative to outfall monitoring.). Conditions set for such a pathway would obligate a permittee to collect data that informs their S5.C.1's planning efforts.

Thurston County	WWA Phase II	Monitoring and Assessment	49	S8.B.3. - Since the permit doesn't define what " <i>under active SAM contracts</i> " entails, it's impossible for permittees to assess the potential level of effort and cost that may be required in responding such records requests from the Stormwater Action Monitoring (SAM) Coordinator. To remedy this, the permit should include a list of the specific effectiveness and source identification studies under active SAM contracts at the time of permit issuance. Another remedy would involve not authorizing funding for effectiveness studies unless the project proponent can demonstrate they either have the data needed or have secured commitments from the data providers.
Thurston County	WWA Phase II	N/A	60	Definitions and Acronyms - To maintain consistency with S2.A.1., the definition of " <i>discharge point</i> " should indicate that it excludes Underground Injection Control (UIC) facilities.
Thurston County	Both WWA	Appendix 2	30	"a." is appropriate given the approach to selecting target audiences, subject areas, and BMPs in S5.C.2. However, "b." seems unnecessarily redundant given this is already a requirement of S5.C.7.
Thurston County	WWA Phase II	Appendix 3	2	Questions 12, 13, & 17 - Question 12 asks: ". . . <i>what, if any, regional program you are participating in.</i> ", but Questions 13 and 17 do not. However, S5.C.2 (page 19) states: " <i>permittees may choose to meet these requirements individually or as a member of a regional group</i> ", referring to the above 3-pronged program (general awareness, behavior change, stewardship) and appears before the Permit lays out specific requirements for this section. This implies that Permittees can opt to participate in regional programs for all 3 prongs, not just general awareness. Thus, the other applicable annual reporting questions should be crafted to allow Permittees to explain which parts of the E&O program they participated in regionally.
Thurston County	WWA Phase II	Appendix 3	2	Question 13 - Edit to be consistent with any clarification regarding " <i>the ongoing behavior change program</i> " as mentioned in our comments regarding S5.C.2.a.ii (b), page 21.
Thurston County	WWA Phase II	Appendix 3	2	Question 14 - Edit to be consistent with any clarification regarding " <i>the ongoing behavior change program</i> " as mentioned in our comments regarding S5.C.2.a.ii (b), page 21. To improve clarity, we recommend using the term behavior change " <i>campaign</i> " instead of " <i>program</i> " for this question.
Thurston County	WWA Phase II	Appendix 3	2	Question 14 & 15 - Recommend reordering Questions 14 and 15 so that they are list in order according to the behavior change program timeline (currently, Question 15 would occur before Question 14).
Thurston County	WWA Phase II	Appendix 3	2	Question 16 - This question refers to " <i>changes in understanding</i> " as part of the evaluation of the effectiveness of the behavior change campaign. Please remove any blanket requirement to attempt to change understanding or evaluate changes in understanding as part of behavior change efforts, as effective behavior change does not always require changes in understanding. See our comments in regards to S5.C.2.a.ii (e), page 22.
Thurston County	Both WWA	Appendix 3	4	Question 34. - To maintain consistency with S5.C.6.g., edit this question to recognize that a zipped xml file containing the reporting data is not needed when the applicant opts to submit the data via WQWebIDDE.

Thurston County	Both WWA	Appendix 9	2	Flow Monitoring - More detail on the flow monitoring requirement would be helpful. Does Ecology intend that permittees opting for the S8.C. pathway conduct flow monitoring a full year before sampling? If so, does that mean that flow monitoring has to begin a year before the permit takes effect, or that the first year of monitoring is not required to include samples? Please clarify as it's also unclear what "continuous" entails (e.g., 15 minute, hourly, once per day, etc.? Are these details intended to be worked out in the QAPP?
Thurston County	Both WWA	Appendix 9	3 & 4	Types of Sampling - It is difficult to find the referenced SOPs. A more direct link to the specific Fortress location would help. The list of SOPs at the website provided does not include all of the SOPs described in the permit (e.g., there is no link to a "Standard Operating Procedure for Grab Sampling for Stormwater Monitoring" on that page.).
Thurston County	Both WWA	Appendix 9	4	Grab Samples - Requiring grab samples in the early part of a storm event to the monitoring regime dramatically increases the complexity and cost of sampling because it adds an additional field visit to every site for every event. The SAM program dropped grab sample monitoring for bacteria in favor of a literature and data review. It's unclear why the outfall monitoring alternative should include bacteria data where the SAM regional program does not. Suggest dropping the grab sample requirement and replacing it with regularly scheduled receiving water bacteria monitoring near or at the outfall which is much easier to integrate into existing programs.
Thurston County	Both WWA	Appendix 9	8	First sentence and the three bullets that follow - Three years is probably insufficient for trend analysis, barring a major change in the watershed. The results will most likely be statistically meaningless. Suggest dropping this requirement or adding detail on the statistical algorithms permittees are expected to use.
Thurston County	Both WWA	Appendix 9	9	Refrigeration is required for sediment samples, but not specified for water samples. Some of the parameters collected, like BOD5, generally require refrigeration. Is refrigeration expected or required? This makes a big difference for total cost of implementing the program because if refrigeration is required, a field visit to add ice to the autosampler will be required before every event. Since modern autosamplers can be triggered remotely, if refrigeration is not required, sample retrieval and setup for the next event could occur during the same site visit.
Thurston County	Both WWA	Appendix 11	1-3	The degree of effort (and associated costs) required of permittees pursuing the S8.C pathway for S8.A.2.b and S8.B.2.b is the same (i.e., monitor three outfalls for one; six for both), but the funding obligation for S8.A.2.a. and S8.B.2.a. is very different. To correct this, S8.C pathways should be set proportionately for the funding obligation for the S8.A.2.a and S8.B.2.a pathways.
Thurston County	Both WWA	Appendix 11	1-3	With the reissuance of the MS4 Permits, there is an opportunity to for Secondary Permittees to have S8 obligations, including beginning to contribute funding for the S8.A & B regional SAM pathway. We recognize that secondary permittees don't fit the population funding formula for setting the Regional contribution rates, but we encourage Ecology to develop a funding formula to define an equitable funding contribution for these permittees. This would help spread the funding obligation across the entire WWA MS4 community and, in turn, help buffer any potential funding impact to the Regional program as a result of any permittees wishing to opt for the S8.3 pathway.

Thurston County	Both WWA	Appendix 12	5-6	Entry #12 - By definition, " <i>allowable discharges</i> " and " <i>conditionally allowable discharges</i> " would not constitute an IDDE so they shouldn't required documenting. As mention in our comments regarding S5.C.5.g., we do not see the value in submitting "false alarm" incidents as requiring this would represent an opportunity cost where efforts could be better invested in assessing confirmed illicit discharge data to identify local reoccurring problem areas, trends, and areas to focus preventive measures.
Thurston County	Both WWA	Appendix 12	7	Entry #14 - " <i>Referred to another agency or department</i> " seems redundant with Question 6, " <i>Transferred to another party?</i> " on page 1.