

City of Renton

The City of Renton appreciates the opportunity to provide comments on the Draft Western Washington Phase II Municipal Stormwater Permit. Please find our comments attached.

Phase I, WW Phase II, and EWA PH II Formal Draft Comments				
Name	Document	Section	Page	Comment <i>Note: Comment page numbers reference the redline versions of the WWA Phase II Permit and Appendix 1.</i>
Renton	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17	The term "Comprehensive" is used throughout this section and confuses the reader. The title of this section should be renamed Integrated Stormwater Planning to avoid confusion with references to the Comprehensive Plan described in section S5.C.1.a.i.
Renton	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17	The sentence referencing Stormwater Management Action Planning Guidance is a guidance document for requirements listed in S5.C.1.c. Stormwater Management Action Planning and so should be moved to this section.
Renton	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17	Section S5.C.1.a.i.(a) refers to providing information that is outside the draft permit time frame. The Fact Sheet states the "Ecology intends to learn how Permittees are addressing this [stormwater management] need in existing planning updates" which does not require information from previous planning updates. This permit requirement is unnecessary since it does not meet any of the five purposes described in section 6.5.14 on pages 41 and 42 of the Fact Sheet. Also, if this information was needed by Ecology, it should have been requested in the current permit cycle. Removal of this requirement from the Permit is requested.
Renton	WWA Phase II	Comprehensive Stormwater Planning (WWA)	18	Section S5.C.1.a.i.(b) calls for a deadline of March 31, 2022, however this date does not align with the Comprehensive Plan update timeline requirement for this jurisdiction. The permit deadline should be adjusted to June 30, 2023, so the permittee can provide an accurate description to meet the requirement based on a finalized Comprehensive Plan.
Renton	WWA Phase II	Education and Outreach	21	Per phone call with Abbey Stockwell, Department of Ecology, on 10/1/18, the Permittee may partner with other organizations through advertising or in-kind services, but are not necessarily required to create the stewardship opportunity. The third bullet point of section S5.C.2. should read "Provide stewardship opportunities..." rather than "Create stewardship opportunities".
Renton	WWA Phase II	Education and Outreach	21	In the "Stormwater Outreach for Regional Municipalities (STORM) Response to Formal Draft of NPDES Phase II Municipal Stormwater Permit 2019-2024", two permittees commented on "water quality information". The language is acceptable as written in the Draft Permit. Guidance on "local" water quality information would be appropriate in a fact sheet or FAQ, but not defined in the Permit.
Renton	WWA Phase II	Education and Outreach	22	The Permit language in section S5.C.2.a.i.(c) doesn't add useful meaning to the requirement. If it is meant to clarify that the outreach can occur on an ongoing or strategic schedule (e.g. anytime for a business or targeted towards school kids during the school year) then it should be placed in a guidance document or FAQ sheet.
Renton	WWA Phase II	Education and Outreach	23	For the two last bullets in section S5.C.2.a.ii.(a), the parenthesis confuse the reader. Clarify that (Audience specific) means that the Permittee may choose an appropriate audience which is not previously listed to target for these BMPs. This was the explanation given by Abbey Stockwell, Department of Ecology, on a phone call with Phase II Permittees on 10/1/18. To add clarity, "(Audience specific)" target audiences should be a separate subsection called S5.C.2.a.ii.(b), shifting the remaining requirements to S5.C.2.a.ii.(c) through S5.C.2.a.ii.(g). Define "audience specific" and list the two subject areas.
Renton	WWA Phase II	Education and Outreach	23	In the "Stormwater Outreach for Regional Municipalities (STORM) Response to Formal Draft of NPDES Phase II Municipal Stormwater Permit 2019-2024", two permittees commented on "expectations or guidelines for behavior change evaluation". The language is acceptable as written in the Draft Permit to allow flexibility in how jurisdictions evaluate their behavior change program.
Renton	WWA Phase II	Education and Outreach	23	Community-Based Social Marketing (CBSM) is a branded method developed by one person, but the social marketing approach is generic and provides greater flexibility to meet this permit requirement. If CBSM is specified, it implies that the best way to meet the permit requirement is to use CBSM, which would require the Permittee to either take a training to learn how to use CBSM or hire the founder of CBSM to consult on and/or implement a program, creating a monopoly. Instead of using the term CBSM, replace it with "social marketing approach" language. CBSM should be included in guidance materials along with other social marketing methods.
Renton	WWA Phase II	Education and Outreach	24	Provide at least three months between development and implementation of the behavior change program. The annual report is due one day before this requirement is scheduled for implementation and in this jurisdiction, the annual report and education and outreach tasks are delegated to the same person. Ecology should take this into consideration and delay the implementation date to May 1, 2021 at the earliest.
Renton	WWA Phase II	Education and Outreach	24	Per phone call with Abbey Stockwell, Department of Ecology, on 10/1/18, the Permittee may partner with other organizations through advertising or in-kind services, but are not necessarily required to create the stewardship opportunity. The permit language in S5.C.2.a.iii. should read "Each Permittee shall provide and advertise stewardship opportunities..." rather than "create" stewardship opportunities.
Renton	WWA Phase II	IDDE	28	What is the purpose of the second paragraph of section S5.C.5.a.? Illicit connections and illicit discharges may be identified through these methods, but requiring that they "must" be identified is not appropriate because an illicit connection might not present itself through these means. The sentence seems to be guidance on how an illicit connection or illicit discharge could be identified. If it is guidance, it should be included in the Fact Sheet.
Renton	WWA Phase II	IDDE	31	Regarding section S5.C.5.d.i., if a Permittee annexes an area greater than 5% of the existing jurisdiction's area in the last year of the permit term and has completed field screening for 12% on average over the previous years, the screening needs will increase significantly and the Permittee would have to screen a much larger area than in previous years with the same amount of staff and resources. Consider reducing the percentage screened if jurisdictions increase their geographic area by more than 5% or waive the screening requirement for annexed areas and require prioritization of the newly annexed area in the next permit cycle.
Renton	WWA Phase II	IDDE	33	At the Permit Coordinator's Meeting on 10/19/17, Ecology stated that the purpose of the annual data submission in the required format is to analyze all the incidents throughout the state. At the ROADMAP meeting on 3/29/17, Dan Smith with Pierce County presented a 5 year study of IDDE data and found that this type of data is most useful at the local level. When analyzed from a state perspective, data becomes watered-down and adaptive management cannot be derived from state studies. The state is asking for more data without proof that it needs the data and that the data will be useful. The City of Renton uses IDDE data at the local level to inform future outreach and education program actions. It doesn't see a need to invest more resources in providing data to Ecology using the proposed schema format requirements. Removal of the proposed language in section S5.C.5.g. is requested.
Renton	WWA Phase II	IDDE	33	Section S5.C.5.g. includes reporting of illicit discharges that are found by, reported to, or investigated by the Permittee. If someone reports an illicit discharge that cannot be investigated because the Permittee couldn't find it, what is the use for Ecology in collecting this information? Removal of the proposed language is requested.
Renton	WWA Phase II	IDDE	33	Section S5.C.5.g. proposes collection of information in the WQWebIDDE. Ecology has an "Illicit Discharge Detection & Elimination (IDDE) Form" that can be used to submit and download IDDE information. Why won't this system work for reporting IDDE incidents for the annual report? The WQWebIDDE application requires logging into two accounts (SAW and WQWebPortal) to access the data submittal. It is inefficient and onerous for field staff to obtain these accounts and submit data when this system is already available in the IDDE Form. Removal of the proposed language is requested.
Renton	WWA Phase II	IDDE	33	As written, section S5.C.5.g. is effective one month after issuance. There should be at least five months from the effective date to implement and test the data schema. The format for reporting IDDE data will switch starting 8/1/19, so will be inconsistent with the current IDDE reports. New recordkeeping requirements should start at the beginning of the 2020 calendar year to correspond with the 2020 reporting year. The delay will allow time for the jurisdiction to implement and test the data schema format and provide consistent reports. Recommend adding a deadline for new recordkeeping requirements starting on January 1, 2020.
Renton	WWA Phase II	Controlling Runoff (WWA)	34	The proposed deadlines for Phase I and II Permittees to adopt the SWMMWW or an equivalent manual are July 1, 2021 and December 31, 2021. The Phase II permit should have at least 12 months between the date that equivalent manuals are adopted and the date that the local ordinance goes into effect. This will allow time for the Phase II jurisdictions to review and compare the State's manual and approved equivalent manuals, decide which to adopt, incorporate corrections from the equivalent manual (if needed), and pass an ordinance to adopt the selected manual. Adjust the adoption dates in the Phase I and Phase II permits to provide at least 12 months between them.
Renton	WWA Phase II	Operations and Maintenance	48	Revise the Phase II permittees' deadline to be 12 months after the Phase I permittee's deadline (July 1, 2022).
Renton	WWA Phase II	Operations and Maintenance	48	The first part of sections S5.C.7.c.ii. and S5.C.7.c.iii. are sentence fragments. Revise to complete the sentences.

Name	Document	Section	Page	Comment <i>Note: Comment page numbers reference the redline versions of the WWA Phase II Permit and Appendix 1.</i>
Renton	WWA Phase II	Operations and Maintenance	49	In section S5.C.7.d., refer only to S5.C.7.c.
Renton	WWA Phase II	Operations and Maintenance	49	As written, the requirement in section S5.C.7.e. is effective one month after issuance. There should be at least six months between the permit's effective date and the documentation deadline. The delay will allow time for the jurisdiction to review and document current operations and maintenance practices, policies and procedures.
Renton	WWA Phase II	Operations and Maintenance	50	In section S5.C.7.f. define "relevant SWPPPs". Should this be SWPPPs (Stormwater Pollution Prevention Plans) instead? Please clarify.
Renton	WWA Phase II	Source Control Program (WWA)	51	In a document titled "Ecology's Preliminary Thinking for Reissuance of the Municipal Stormwater Permits" dated July 30, 2010, Ecology answered questions posed by external stakeholders. An excerpt from this document reads "Should the phase II permit(s) include a business source control inspection program (a requirement in the current phase I permit)? Answer: No, the phase II permits will not include a stand-alone source control program, which can be complex and costly. We will, however, look at ways the program elements in the current permit can better address source control - for example under public education and outreach and the illicit discharge detection and elimination (IDD&E) program." Ecology should consider the fact that a stand-alone source control program is still complex and costly for Phase II Permittees. The City would have to hire or contract at least two source control inspectors funded by the taxpayer. The cost would be between 24 and 34 times the cost of the current program using a nonprofit partner which achieves the intent of the source control program. As our current approach using education and technical assistance to prevent illicit discharges from businesses has been shown to be effective (less than 1% of businesses have declined services), the source control program is not necessary. This approach improves the City's relationship with the business community. Also, Ecology should take into account current and future economic conditions. The Permittee will be required to create a source control program which would likely be paid for by increasing surface water utility fees. In an economic downturn, these higher fees would exacerbate the finances of already overburdened communities. Ecology should not require Permittees to implement the source control program. The goals of the program can be achieved with education and technical assistance. Removal of this permit requirement is requested.
Renton	WWA Phase II	Source Control Program (WWA)	51 & 52	The first requirement S5.C.8.a.i is in direct conflict with S5.C.8.b.i. The former calls for the application of treatment BMPs/facilities if necessary. The latter states that "the requirements of this subsection are met by using the source control BMPs in the SWMMWW, or a functionally equivalent manual approved by Ecology." The 2016 King County Pollution Prevention Manual, an equivalent document per Appendix 10 of the Phase I Permit, does not require the implementation of treatment BMPs. Implementation of treatment BMPs/facilities on existing development could cost thousands of dollars in capital cost creating a burden on the owner. Owners of existing developments should not be required to install treatment BMPs/facilities. If they must, then one could argue that all existing developments must be redeveloped to meet current water quality standards. This is neither economically feasible, legal, nor Ecology's intent per Abbey Stockwell on a phone call with Phase II Permittees on 10/1/18. Removal of "treatment BMPs/facilities" from sections S5.C.8.a.i. and S5.C.8.b.i is requested.
Renton	WWA Phase II	Source Control Program (WWA)	52	Businesses identified using NAICS codes in Appendix 8 are considered pollutant generating per Abbey Stockwell at the Seattle Permit Workshop on 10/10/18. Some of the businesses identified from Appendix 8 conduct indoor work only and should not be subject to the requirements of the source control program. Examples are air traffic control (NAICS code 488111), credit bureaus (561450), exam preparation and tutoring (611691), offices of mental health practitioners (621330), and diet and weight reducing centers (812191). Home-based businesses that have no potential outdoor pollutant-generating sources may be listed in Appendix 8 also. If these types of businesses remain in the source control program, the Permittee will be forced to inspect businesses that do not meet the intent of the program which is to "prevent and reduce pollutants in runoff from areas that discharge to MS4s". As the inspector will only inspect outdoor areas and potentially indoor areas when pollution from indoors or an illicit connection is detected, the types of businesses that should remain off the source control inventory list are those that are contained indoors and do not conduct potential outdoor pollutant-generating activities. This will reduce the unnecessary burden on businesses that are not sources of pollution to prove that they are not part of the problem. It will also increase efficacy by eliminating inspections that don't meet the intent of the program. Ecology should better define the businesses that are pollutant-generating and thus warrant source control inspections. Further refinement of the business types using the full six-digit NAICS codes in Appendix 8 is requested.
Renton	WWA Phase II	Source Control Program (WWA)	53	Regarding section S5.C.8.b.iii.(c), the Permittee's inspection on sites identified through legitimate complaints should have those inspections count toward the 20% inspection rate to provide a consistent and accurate budget for the source control program and fair workload to the inspector. Explicitly state in this section, "These inspections will count toward the 20% inspection rate".
Renton	WWA Phase II	Source Control Program (WWA)	53-54	As source control BMPs will be required for all Western Washington permittees, Ecology should provide source control training opportunities that cover the topics listed in section S5.C.8.b.v. through the Washington Stormwater Center.
Renton	WWA Phase II	Reporting Requirements	73	Per section S9.A, the first annual report is due on 3/31/2020. To ensure consistent reporting, the first report deadline should be March 31, 2021. New permit requirements sometimes amend the current permit requirements which complicates tracking for the 2019 calendar year. For example, annual report question 34 does not allow for the mid-year adjustment needed to report IDDE data in a format consistent with the requirements of the current permit. A gap year for reporting is requested to provide a consistent record and format of tracked information.
Renton	WWA Phase II	Appendix 1	28	Appendix 10 calls for replacing Appendix 1, Section 4.5, Project Thresholds 1.b. with text that is very similar to the amended text in the draft of Appendix 1. Appendix 10 language is, "Demonstrate compliance with the LID Performance Standard and BMP T5.13. Projects selecting this option cannot use Rain Gardens. They may choose to use Bioretention BMPs as described in the SWMMWW." Appendix 1 language is, "Use any Flow Control BMP(s) desired to achieve the LID Performance Standard and apply BMP T5.13: Post-Construction Soil Quality and Depth." Appendix 1 language is easier to understand, so replace the proposed change in Appendix 10 to read "Use Appendix 1 - Section 4.5, Projects that Trigger Only Minimum Requirements #1 - #5 second bullet from the 2019-2024 Appendix 1 Permit".
Renton	WWA Phase II	Appendix 1	40	Regarding the first sentence under 4.7 Minimum Requirement #7: Flow Control, TDA Exemption section, Appendix 10 and Appendix 1 have conflicting language. Clarify the name of the referred appendix as "Flow Control Exempt Receiving Waters Appendix" or "Appendix I-E".
Renton	WWA Phase II	Appendix 3	2	Questions 17 and 17a should replace "created" with "provided".
Renton	WWA Phase II	Appendix 3	6	Question 58 has two questions listed. "Cleaned as needed?" was added to the original question and the answer is implied by reviewing the responses to questions 58b and 58c. Remove the new "cleaned as needed" question or split the questions so the permittees can provide separate responses.
Renton	WWA Phase II	Appendix 10	2	For replacement language in the 2014 SWMMWW Volume III, Appendix III-C, Part 2, Section C.11.3 is titled "Instructions for Roads on a Slope with Internal Dams within the Base Materials that are Below Grade", but the sentence to be replaced refers to "grades greater than 2%" which is addressed in Section C.11.2 Instructions for Roads on Grades above 2%. Recommend keeping both Sections C.11.2 and C.11.3 to address both types of road conditions. Also, keep Section C.11.1. since it is referenced in Section C.11.2.
Renton	WWA Phase II	Appendix 12	4	Vehicle oil, fuel, or other lubricant is listed twice under Liquid Waste and Oil. Clarify that the oil, fuel or other lubricant is "used" under the "liquid waste" category to clarify which list to use.
Renton	WWA Phase II	Appendix 12	5	Improper business operation or activities should be more specific. A restaurant or drive-thru is not an improper business operation or activity, but the activities that occur at these locations could contribute to an illicit discharge. Be specific about the operation or activity that leads to illicit discharge (i.e. operational BMPs for commercial businesses). Sources or causes may need to be separate items to identify the source (a type of property from which the pollutant is discharged) and cause (why the discharge occurred). Revisions recommended to clarify the types of improper business operations or activities.
Renton	WWA Phase II	Appendix 12	6-7	Indicator testing should be separated from source tracing methods. Indicator testing includes flow/discharge, visual (floatables, foam sheen), ammonia, color, odor, pH, temperature, turbidity, hardness, nitrates, potassium, specific conductivity, bacteria, chloride/chlorine, fluoride, and hydrogen sulfide. Source tracing methods include vehicle/foot reconnaissance, dye testing, smoke testing, video inspection, optical brightener, and sand bagging. Revisions recommended.
Renton	WWA Phase II	Appendix 12	8	Enforcement types are not consistently defined across jurisdictions, so reporting in this category could have different meanings. How will Ecology use this information? Recommend removal from the Permit.