

COMMENTS on WW Phase II Formal Draft Permit

Name	Document	Section	Page	Comment
MountVernon	WWA Phase II	Compliance with Standards	13 of 92	S4.F.1 - The proposed language indicates that the Permittee must notify Ecology if the Permittee <i>"is causing or contributing to a known or likely violation of Water Quality Standards in the receiving water."</i> Mount Vernon is concerned that the proposed language creates challenges for reporting violations that are discovered after it has ceased. As well, the word "likely" creates a situation where the City is obligated to report violations that may not even occur. This leads to unnecessary work from both Mount Vernon and Ecology.
MountVernon	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17 of 92	S5.C.1.a.i.(a) - The City of Mount Vernon requests that the following language, "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 and in other locally initiated or state-mandated long-range land use plans that are used to accommodate growth, or transportation," be removed from this section. Water quality and watershed protection updates for the Comprehensive Plan were not required under the last NPDES permit. It seems outside the scope of this permit to ask permittees to comment on items outside the regulatory time frame of the proposed permit.
MountVernon	WWA Phase II	Comprehensive Stormwater Planning (WWA)	19 of 92	S5.C.1.c.i - Stormwater Management Action Planning - The City supports the request that the following language: <i>"Where significant gaps in the state of knowledge exist, a plan and protocol should be developed to improve the assessment."</i> be removed or modified as follows: The reasons for this request are as follows: 1) The language appears to allude to future monitoring requirements that Ecology staff have stated in a public meeting will not be the case; 2) Many Permittees do not have staff qualified to develop a plan or protocol to fill these data gaps; 3) The City of Mount Vernon opts to contribute to a regional monitoring effort to avoid the costs of developing and implementing monitoring plans, and this requirement appears to be contrary to that option which would require the City to develop a monitoring plan.
MountVernon	WWA Phase II	Stormwater Management Action Planning (WWA)	19 of 92	The City of Mount Vernon has an interest to engage with Skagit County and other regional stake holders in a planning effort that not only meets this permit requirement but would also benefit regional salmon restoration and flood reduction efforts. However, there is concern that the SMAP and its recommended actions will become a requirement to implement in the next permit cycle. We are requesting that Ecology clarify how the recommendations in the SMAP will be incorporated into future permit requirements. Cities may not have the resources to implement all recommendations within the SMAP or SWComp Plans so clarification is needed on how the plans will be used to prioritize recommended actions.

MountVernon	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17-20 of 92	This section does not allow for or address an important pathway for water quality retrofits commonly referred to as opportunity based retrofits. Many Permittees look for opportunities to add on or partner with local non-stormwater CIP projects to include a water quality retrofits into the project in an effort to improve water quality in the area and reduce the costs of implementing a stand alone water quality retrofit. The process included in this section does not allow for water quality retrofits outside of the priority watershed or priority target area to count towards permit compliance. The City requests that a section be added to allow for these types of retrofits, as they are a more cost effective way of improving water quality in our region. Further, we fear that without this new language, these cost effective and beneficial retrofits will not occur, unless they fall within a priority basin or area.
MountVernon	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17-20 of 92	S5.C.1 - While regional stormwater planning efforts are identified as an option in this section, this section does not provide enough allowances to complete regional stormwater planning efforts. The following items need to be addressed to allow for regional planning efforts: 1) Increase the amount of time available to complete regional planning efforts; and 2) Allow permittees to identify and fund priority areas and projects outside of their jurisdictional boundaries, but within a basin to which they are contributing to or receiving flows from.
MountVernon	WWA Phase II	Education and Outreach	23 of 97	S5.C.2.a.ii.(b) - Please revise the language in this section to read as follows: <i>No later than July 1, 2020, each Permittee shall conduct a new evaluation of the effectiveness of the ongoing <u>or a new</u> behavior change program (required under S5.C.1.a.ii and S5.C.1.c of the 2013-2018 Permit).</i> Also in the same section, please revise the second sentence to read " <u><i>If re-evaluating an ongoing program</i></u> , Permittees shall..." This will allow Permittees to select a new program if their ongoing program needs no further evaluation.
MountVernon	WWA Phase II	IDDE	33 of 97	S5.C.6.g Recordkeeping. The City of Mount Vernon agrees that there should be a ramp up period for the WQWebIDDE system. It will make the 2019 annual report cumbersome to have a reporting requirement that begins on August 1st. Because the requirement kicks in immediately, it doesn't allow any time to assess and modify existing systems to work with the WQWebIDDE system. This will cause many permittees to manually duplicate their records in order to stay in compliance. It is an unnecessary time burden to prepare the annual report.
MountVernon	WWA Phase II	Controlling Runoff (WWA)	34 of 92	S5.C.6.a (Vesting of Stormwater Standards) - The City is also very concerned about the language in this section. The proposed language has a hole in what appears to be vesting language regarding the adoption of stormwater standards. It indicates that new standards that go into effect apply to " <i>all (development) applications submitted: i) On or after December 31, 2021. (and ii) Prior to January 1, 2017 that have not started construction by January 1, 2022.</i> " As written this language includes a hole in the (vesting) timeline which indicates that applications submitted on or after January 1, 2017 and prior to December 31, 2021 have no vesting and have to start their application review process over again once the new standards go into effect.

MountVernon	WWA Phase II	Operations and Maintenance	49 of 92	S5.C.7.e The language in this section of the permit now includes a requirement to document practices, policies and procedures for the operations and maintenance activities listed in S5.C.7.i-xv, of this section without allowing any ramp up time to complete this requirement. This would put Permittees in immediate non-compliance with the permit. Please revise this section to remove this documentation requirement, as it is unnecessary and limits a permittees operational flexibility to modify these practices, policies and procedures without formal documentation. If Ecology insists on keeping this documentation requirement, please revise it to allow one year for Permittees to complete this documentation process.
MountVernon	WWA Phase II	Source Control Program (WWA)	51-52 of 92	S5.C.8 Source Control Program for Existing Development - The City of Mount Vernon is also very concerned about this section as the language in S5.C.8.a.i and S5.C.8.b.i indicate that structural retrofits on existing non-conforming private and public property are required if operational source control BMPs do not prevent illicit discharges, etc. This requirement may have a significant financial impact on property owners who developed their property prior to when water quality treatment standards went into effect. We ask that this requirement be removed from the language from these sections and be replaced with educational programs. If Ecology insists on keeping this structural retrofitting language, please provide the legal basis Permittees can use to justify implementation of this retrofitting requirement.
MountVernon	WWA Phase II	Source Control Program (WWA)	51 of 92	The enforcement requirement in this section conflicts with existing Local Source Control programs and allowed use of designated funding for LSC programs. In order to meet this requirement, Permittees will be forced to create a separate business inspection program that will duplicate services already provided by LSC programs. The addition of this requirement will create a significant staffing and financial burden that smaller jurisdictions will struggle to meet. The City is concerned that could negatively impact the Skagit County Public Health Department's very successful regional source control program.
MountVernon	WWA Phase II	Source Control Program (WWA)	52-53 of 92	S5.C.8.b.iii.(b) - The language in this section should include a provision for when the inspector is refused entry onto the property. These instances should count towards the 20% annual inspection performance standard since the City cannot force entry without permission for merely an inspection.
MountVernon	WWA Phase II	Source Control Program (WWA)	53 of 92	S5.C.8.iii.c - The draft language states that each permittee shall inspect 100% of sites identified through "legitimate complaints". Ecology needs to provide a definition of what a "legitimate complaint" is because it is too vague as written.