

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

Name	Document	Section	Page	Comment
Kirkland	WWA Phase II	Comprehensive Stomwater Planning (WWA)	17 of 92	S5.C.1 Use a term other than "Comprehensive" when referring to the required stormwater planning. The term Comprehensive typically applies to GMA-mandated comprehensive land use plans
Kirkland	WWA Phase II	Comprehensive Stomwater Planning (WWA)	19 of 92	S5.C.1.c.ii(a) "Based on conditions in the receiving waters, and the assessment of influence of stormwater management strategies and actions, rank the receiving waters based on priority. The Permittee must document the priority ranking process used to identify high priority areas. The Permittee may reference existing local watershed management plan(s) as source(s) of information or rationale for the prioritization." This text needs to be clarified - is this requiring a study to assess the influence of stormwater on a particular watershed or basin? If so, how would this need to be done?
Kirkland	WWA Phase II	Comprehensive Stomwater Planning (WWA)	20 of 92	it is difficult to quantify the impact of "targeted or customized implementation of stormwater actions". Although it is certain that these items make a difference in water quality, predicting the magnitude of that difference is next to impossible without extensive and expensive water quality monitoring. In addition, these actions are already required in other areas of the permit, so it's unclear how much additional implementation would be needed or beneficial. Street sweeping or removal of "legacy loads" through pipe cleaning can work in some instances, for example, but the amount of water quality sampling to determine effectiveness makes these programs difficult to administer in cities that do not have monitoring staff. Inclusion of stormwater actions blurs the focus on structural retrofits.
Kirkland	WWA Phase II	Education and Outreach	20 of 92	S5.C.2: "Effect behavior change" is a very strong term/phrase, especially compared to "build general awareness". Possible to use a different term like "promote" or "encourage"?
Kirkland	WWA Phase II	Education and Outreach	21 of 92	S5.C.2: Change "create" stewardship opportunities to "provide" or "connect residents with" stewardship opportunities
Kirkland	WWA Phase II	Education and Outreach	21 of 92	S5.C.2: Paragraph added regarding meeting permit requirements individually or as a member of a regional group: The phrasing of the last sentence to be confusing. Couldn't jurisdictions adopt elements of a regional program and implement them locally without being part of the regional group - and still be meeting permit requirements?
Kirkland	WWA Phase II	Education and Outreach	21 of 92	S5.C.2.a: "The program design must be based on local water quality information and target audience...": What documentation will be required to show connection to water quality and target audience characteristics?

Kirkland	WWA Phase II	Education and Outreach	21 of 92	S5.C.2.a.i.: "Permittees shall annually select": Are jurisdictions expected to develop new awareness programs each year? Could lead to jurisdictions dropping effective programs in the need to devote staff time to developing a new annual program
Kirkland	WWA Phase II	Education and Outreach	22 of 92	S5.C.2.a.i.c: Clarify what is meant by an "ongoing or strategic schedule"
Kirkland	WWA Phase II	Education and Outreach	22 of 92	S5.C.2.a.ii.: Should be "effect" behavior change - not "affect."
Kirkland	WWA Phase II	Education and Outreach	23 of 92	S5.C.2.a.ii.a: Consider moving litter and debris prevention to awareness section instead of or in addition to behavior change.
Kirkland	WWA Phase II	Education and Outreach	23 of 92	S5.C.2.a.ii.b: Change to ongoing OR NEW behavior change program The text in parentheses referring to the 2013-18 permit makes it seem like we need to be re-evaluating the program that we evaluated for 2013-18. If this is a new program, this would be baseline evaluation with no lessons learned.
Kirkland	WWA Phase II	Education and Outreach	23-24 of 92	S5.C.2.a.ii. Please consider adding a fact sheet to clarify requirements/assist jurisdictions in fulfilling requirements of this section
Kirkland	WWA Phase II	Education and Outreach	24 of 92	S5.C.2.a.ii.d: This timeline may not be appropriate for programs focused on seasonal behaviors
Kirkland	WWA Phase II	Education and Outreach	24 of 92	S5.C.2.a.iii: Change "create" to "provide"
Kirkland	WWA Phase II	Mapping and Documentation (WWA)	26 of 92	Suggested addition: (S5.C.4.a) "Ongoing Mapping: Each Permittee shall <b>continually update and</b> maintain mapping data for the features listed below..."
Kirkland	WWA Phase II	Mapping and Documentation (WWA)	27 of 92	S5.C.4.d: How are requests made and how is the data to be delivered? Is it sufficient to have public facing stormwater GIS data?
Kirkland	WWA Phase II	IDDE	27 of 92	S5.C.5.a Second paragraph - can we replace must with may: "Illicit connections and illicit discharges <del>must</del> <u>may</u> be identified through field screening, ..."
Kirkland	WWA Phase II	IDDE	29 of 92	S5.C.5.c.ii (third bullet) Can we add language to prohibit discharges of salt water pools to MS4?
Kirkland	WWA Phase II	IDDE	32 of 92	S5.C.4.e.iii: Please streamline "notification of appropriate authorities", G3 language (G3 B. report to Ecology regional office and other appropriate spill response authorities & G3 D. report oils or hazardous substances to Ecology regional office and to the Washington Emergency Management Division (EMD) at 1-800-258-5990.), and WAC language (requires notifications of oil and has spills to NRC and EMD). Can we try to bring these worlds (NPDES Permit and WAC regs) together to help with who and when to notify?

Kirkland	WWA Phase II	IDDE	33 of 92	S5.C.5.g The City should only be required to report on illicit discharges (discharges into MS4). All other spills and investigation will be available upon request. To report on all spills and investigations would be a significant ask for cities to submit annually. Concern of new requirement to report on all "...illicit discharges, including spills and illicit connections that were found by, reported to, or investigate by the Permittee...", compared to previous permit requirement of only reporting actual IDDEs (discharges to MS4). Although it is understood the intention to gain this knowledge to provide better guidance of potential sources of pollution, it is an additional amount of data to report that is not directly effecting the MS4.
Kirkland	WWA Phase II	IDDE	33 of 92	S5.3C.g Delay IDDE Schema reporting until 2020 Annual Report. This will be a big lift for some jurisdictions that have a required database and to now have to build/incorporate the new Schema for 2019 Annual Report. Implementing the new IDDE Schema will be time consuming to incorporate into our existing data collection system.
Kirkland	WWA Phase II	Controlling Runoff (WWA)	34 of 92	S5.C.6.a (Adoption of Standards) As written the Phase II Permittees wishing to adopt/implement a Phase I's equivalent stormwater standards (i.e. King County), must do so by December 31, 2021. This gives Phase II Permittees one year to adopt said Phase I standards if the Phase I jurisdiction meets their adoption/implementation deadline of December 31, 2020. However, the Draft Phase I Permit language includes an allowance for Phase Is to push back the deadline for adoption of their equivalent stormwater standards based on delays of Ecology's review, but this same flexibility is not present for Phase II Permittees. For example, if Ecology is delayed by four months in completing their review of the King County standards, King County then has until April 30, 2021 to complete their adoption/implementations. In this scenario, Phase II Permittees would only have eight months instead of a year to complete their adoption/implementation of said standards. The City requests that the language in this section be revised to allow Phase II Permittees to extend their implementation deadline based on the delays of the Phase I standard adoption, thus ensuring that Phase IIs have the full year to complete the adoption of these standards.
Kirkland	WWA Phase II	Source Control Program (WWA)	51 -54 of 92	S5.C.8 Please clarify or streamline use of words "business and/property", "site", and "area"

Kirkland	WWA Phase II	Source Control Program (WWA)	51 of 92	S5.C.8.a Please define who has source control inspection responsibility, and possibly authority to require BMP implementation. Is it based on location within boundaries of jurisdiction or ownership of property. Or, clarify that the Permittee may have the flexibility to decide on inspection responsibility. For example, Park and ride is owned by King County and covered under the Phase I NPDES Permit, but is within Kirkland's city limits which is under the Phase II NPDES Permit.
Kirkland	WWA Phase II	Source Control Program (WWA)	51 of 92	S5.C.8.a Please clarify/confirm if a Permittee have the authority to inspect and require BMPs outside jurisdiction boundaries but discharges into jurisdiction MS4? FAQ?
Kirkland	WWA Phase II	Source Control Program (WWA)	52 of 92	S5.C.8.b.i Define what is meant by "Structural source control BMPs, or treatment BMPs/facilities" if it's not the same as "stormwater treatment and flow control BMPs/facilities"
Kirkland	WWA Phase II	Source Control Program (WWA)	51 - 52 of 92	S5.C.8.b.i Applications of source control/treatment BMPs for pollutant generating sources associated with existing land uses and activities are met by using a functionally equivalent manual approved by Ecology. City of Kirkland uses the King County P2 manual. This manual does not include any treatment BMPs. Is this acceptable?
Kirkland	WWA Phase II	Source Control Program (WWA)	52 of 92	S5.C.8.b.ii Clarify that a Permittee has the flexibility to decide if all businesses (home-based and other) identified in Appendix 8 may not need to be included in business inventory due to not having outdoor pollutant-generating sources.
Kirkland	WWA Phase II	Source Control Program (WWA)	52 - 53 of 92	S5.C.8.b.ii.(b) and S5.C.8.b.iii.(c) Complaint based response should remain within the IDDE section and not be included within the source control program for existing development section.
Kirkland	WWA Phase II	Source Control Program (WWA)	52 of 92	S5.C.8.b.iii.(a) Who is required to be informed? Clarify if 1) all identified businesses per Appendix 8, or 2) identified businesses per Appendix 8 AND jurisdiction decided to inspect due to pollutant-generating sources.
Kirkland	WWA Phase II	Source Control Program (WWA)	52 of 92	S5.C.8.b.iii.(a) Requesting guidance from Ecology of developing tailored education. This could be a fabulous opportunity for inter-jurisdiction collaboration which could result in consistent messaging and efficient use of limited smaller jurisdiction time. FAQ?
Kirkland	WWA Phase II	Source Control Program (WWA)	52 - 53 of 92	S5.C.8.b.iii.(b) Please clarify that if denied access to property to conduct an inspection, can still count toward completed inspection?
Kirkland	WWA Phase II	Source Control Program (WWA)	52 of 92	S5.C.8.b.ii Asking for a FAQ to guide: how to develop inventory list, how often update list, inspect sites with other NPDES Permits (e.g., Industrial)
Kirkland	WWA Phase II	Monitoring and Assessment	70 of 92	S8.B.3 We are concerned about the potential frequency and process of data requests. We recommend that a process be in place to determine expectations to respond to requests.

Kirkland	WWA Phase II	Reporting Requirements	73 of 92	S9.A (Reporting Requirements) As written, an annual reporting requirement will be required for 2019. Many sections of the permit have moved, and additional sections were added. There are requirements in different places for the first and second half of the year. How that will be addressed in the annual report questions is not shown in the questions that appear in Appendix 3. The City requests to have a gap year for reporting, as we did between 2007 and 2013 permit cycles.
Kirkland	WWA Phase II	Appendix 11	1 of 3	Please provide discussion about why the rates have increased compared to rates under the 2013 permit.
Kirkland	WWA Phase II	IDDE	Appendix 12 - Q#6	Clarify when is "End of your response" Is it when IDDE was eliminated, pollutant removed from MS4, transferred to other agency, or when whole case is closed?
Kirkland	WWA Phase II	IDDE	Appendix 12 - Q#7	The City should only be required to report on illicit discharges (discharges into MS4). If answer "No" to Q#7, you stop data entry after answering #8. The City should not be required to submit data for complaints that are not IDDE.
Kirkland	WWA Phase II	IDDE	Appendix 12 - Q#11	Can we pick the top 10 and cover the rest under Other _____
Kirkland	WWA Phase II	IDDE	Appendix 12 - Q#11	Remove "Solid waste", "Liquid waste", "Oil" and "Chemical" as group categories titles.
Kirkland	WWA Phase II	IDDE	Appendix 12 - Q#11	Remove one of the pull downs for oil. There is duplicate listing for vehicle oil - present in both "liquid waste" and "oil" categories
Kirkland	WWA Phase II	IDDE	Appendix 12 - Q#12	Remove Allowable and Conditionally allowed discharges details from drop down list. These are not IDDEs
Kirkland	WWA Phase II	IDDE	Appendix 12 - Q#12	Can we pick the top 10 and cover the rest under Other _____
Kirkland	WWA Phase II	IDDE	Appendix 12 - Q#13	Remove pull down options for Indicator Testing and just have Indicator Testing as the check box and fill in the test that was used (leave blank to fill in details). There are very few Phase II jurisdictions that have a program big enough to have a IDDE program based on several indicator tests.
Kirkland	WWA Phase II	IDDE	Appendix 12 - Q#14	Remove "Correction notice", Stop work order", "Legal notice", and Penalty or fine" and replace with one option "Enforcement". The other options are just ways to pursue enforcement. This would help to minimize required pull-downs.