

Master Builders Association of King and Snohomish Counties

Thank you for the opportunity to provide comment on the Formal Draft of the Phase I and Phase II Municipal Stormwater General Permits.

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

Document	Section	Page	Comment
All Three Permits	Section S5.C.5		Section S5.C.5 has created confusion that should be resolved. There have been number comments to us about applications submitted during different time periods than expressed in a.i and a.ii Perhaps a new a.iii which would state that all other applications submitted will be reviewed with the stormwater regulations in effect at the time of complete application, as per RCW 58.17.170. Note: This change should be made to the Phase I, Western and Eastern Phase II draft permits
All Three Permits	Section S5.C.8		Section S5.C.8 While 8.a.ii states that the purpose of the Source Control for Existing Development is for "commercial and industrial properties", 8.1.iv discusses pesticides, herbicides, and fertilizer discharges which raises a concern that attempts to apply this program to existing subdivisions might occur. Suggest editing 8.a.i to include a statement such as ... associated with existing land uses and activities. (see Appendix 8 to identify pollutant generating sources). This would clarify that this program is limited to only those uses listed in Appendix 8.
Phase I	Controlling Runoff (WWA)	17	What is the applicability standards for projects in the middle of construction or permitting when these new requirements are adopted by the permitting jurisdictions? As was in the previous permit, there needs to be a clear distinction of when and to what projects these new standards apply. For example if a project has started construction under the 2014 drainage manual and the local jurisdiction adopts the 2019 manual, are changes required to the design project to comply with this NPDES permit? Another example: a project has been submitted for preliminary plat approval and the permitting jurisdiction then adopts the 2019 drainage manual. Does the applicant need to amend their project application to comply with the new manual?
WWA Phase II	Controlling Runoff (WWA)	33	What is the applicability standards for projects in the middle of construction or permitting when these new requirements are adopted by the permitting jurisdictions? As was in the previous permit there needs to be a bright line of when and to what projects these new standards apply.
Both WWA	Appendix 1	31	There should be a number of units or density of units per acre for multifamily projects. It doesn't make sense that a 3 unit townhome project needs to apply enhanced treatment.

I-3.4.4 MR4: Preservation of Natural Drainage Systems and Outfalls	I-3.4.4 MR4: Preservation of Natural Drainage Systems and Outfalls	127	Supplemental Guidelines. The statement that easements may be needed and should be obtained prior to engineering approval for down stream flow path is a new statement in the manual and could be very problematic for implementation. We have relied on common law that as long as the Stormwater is discharged in the same (natural) location , the flows are mitigated per the manual and there is no risk to downstream property damage by the proposed project an easement is not required. This langue should be clarified so that local agencies have clearer guidance of what to ask for from project applicants.
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