

**City of Sammamish WW Phase II Formal Comments**

<b>Response #</b>	<b>Name</b>	<b>Document</b>	<b>Section</b>	<b>Page</b>	<b>Comment</b>
	Sammamish	WWA Phase II	Compliance with Standards	13	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> We have two concerns regarding this language: 1) The language is in present tense (is causing or contributing to) - does that mean any violations we become aware of after the fact do not have to be reported, if not please revise this language; 2) The City asks that the words "or likely" be removed from the above language, because it requires the permittee to speculate or guess to whether a violation may have occurred and as such is inappropriate for a regulatory document.
	Sammamish	WWA Phase II	Comprehensive Stomwater Planning (WWA)	18	S5.C.1.a.i.(b) - The 3/31/22 deadline identified in this section conflicts with our local GMA update timelines, which indicate a Comp Plan update in November 2023. If this requirement is kept, please revise the language to allow Permittees to prepare updates for the Comp Plan by 3/31/22 and implement them in the next available GMA update.
	Sammamish	WWA Phase II	Comprehensive Stomwater Planning (WWA)	17-20	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 (i.e. 7/31/23); 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 flows.  The City of Sammamish is a member and partner in the Kokanee Work Group whose mission is to restore native Lake Sammamish kokanee salmon. Recently, five jurisdictions have been working towards an interlocal agreement to fund lake sammamish water quality studies. The lake studies will take two years to complete (Dec 2020). With this assessment, we anticipate amendments to the interlocal agreement which would identify areas where stormwater retrofit and stormwater management should be prioritized. The June 30, 2022 deadline to develop the prioritization methodology is a difficult target given the coordinaton with 5 local jurisdictions. The health of Lake Sammamish for native kokanee is a value to the City of Sammamish and we would appreciate more time allowances from Ecology to make regional coordination possible under the permit requirements.
	Sammamish	WWA Phase II	Education and Outreach	20	S5.C.2: How do we measure the 'Effect' is the second bullet? Please include examples in FAQ.
	Sammamish	WWA Phase II	Education and Outreach	21	S5.C.2.a requires the education and outreach program to <i>be designed based on local water quality information and target audience characteristics to identify high priority target audiences, subject areas, and/or BMPs</i> . What will Ecology require to justify our selection of target audiences, etc.? Suggest Ecology clarify in FAQ.
	Sammamish	WWA Phase II	Education and Outreach	22	S5.C.2.a.i.(c): Clarify expectation or better define a "strategic schedule". We would assume one "strategic schedule" might be timing with school calendars if target audience are school age children. However, please clarify if Ecology intended a more detailed strategy.

	Sammamish	WWA Phase II	Education and Outreach	23	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. We recommend revising the word "program" to "campaign" as our education and outreach program encompasses more than NPDES requirements.
	Sammamish	WWA Phase II	Mapping and Documentation (WWA)	25	Suggest list approach of what should be mapped to better define Permanent Stormwater Facilities.
	Sammamish	WWA Phase II	Mapping and Documentation (WWA)	26	S5.C.4.a.v.(b): How far reaching outside the MS4 are 'Associated drainage areas' defined?
	Sammamish	WWA Phase II	Mapping and Documentation (WWA)	26	Note 13 indicates both years 2013 and 2019. Erroneous error.
	Sammamish	WWA Phase II	Mapping and Documentation (WWA)	27	S5.C.5.c.: Clarify what fully described mapping standards are.
	Sammamish	WWA Phase II	Mapping and Documentation (WWA)	28	S5.C.5.a Consider changing the word from "must" to "may" in the second paragraph and move to FAQ section.
	Sammamish	WWA Phase II	Controlling Runoff (WWA)	34	S5.C.6.a (Adoption of Standards) As written the Phase II Permittees wishing to adopt/implement a Phase I's equivalent stormwater standards (e.g. 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.
	Sammamish	WWA Phase II	Operations and Maintenance	49	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. Better define what documentation is needed and give an example in the FAQ.
	Sammamish	WWA Phase II	Source Control Program (WWA)	51	S5.8.a.i: <i>Application of operational and structural source control BMPs, and, if necessary, treatment BMPs/facilities to pollution generating sources associated with existing land uses and activities.</i> What triggers the need for treatment BMPs? Please provide examples in an FAQ.

	Sammamish	WWA Phase II	Source Control Program (WWA)	51-52	S5.8.b.i: The permit implies that we must require facilities to undergo structural retrofits if operational BMPs are insufficient to prevent an illicit discharge. The City is 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. Secondly, this may be considered a "takings" or condemnation of private/commercial properties and is an unprecedented requirement that may not have legal standing. We request Ecology review this requirement with State Attorney General and provide a legal opinion on this requirement.
	Sammamish	WWA Phase II	Source Control Program (WWA)	52	S5.8.b.i: What is the difference between a structural BMP and a treatment BMP? Please define or provide examples. "The requirements of this subsection are met by using the source control BMPs in the SWMMWW..." However, the SWMMWW specifically does not include treatment BMPs. What are the treatment BMPs that the permit requires? 6.5.47 (Page 60) of the FAQs indicates operation and structural source control BMPS (no mention of treatment BMPs). Please clarify in permit or FAQ.
	Sammamish	WWA Phase II	Source Control Program (WWA)	51-53	What is the difference between "business and/or property" and "site" and "area." The permit uses all of these terms in S5.C.8. Can the permit language be simplified? Is "site" equivalent to the term "businesses and/or properties"? If so, drop the term "site." Please provide FAQ, guidance, and/or definitions to clarify differences.
	Sammamish	WWA Phase II	Source Control Program (WWA)	51	S5.C.8.a: Please clarify who has inspection responsibility at facilities located in one jurisdiction (e.g., a City) but that are owned/maintained by another (e.g., a County maintenance facility). One possible edit: Revise language at S5.C.8a to read "Each Permittee shall implement a program to prevent and reduce pollutants in runoff from areas <u>within its boundaries</u> that discharge to MS4s." This clarifies which permittee is responsible for conducting the source control inspection (and that that responsibility is based on location vs. ownership). Identifying the jurisdiction with primary responsibility for inspections reduces the likelihood of duplicative visits.
	Sammamish	WWA Phase II	General	FAQ	Q: for FAQ: For sites that are located within one jurisdiction but that drain to another jurisdiction's MS4, which jurisdiction has inspection authority/responsibility? [Note: The edit proposed above would clarify that the jurisdiction in which the activity is being performed is responsible for inspection and assuring BMP implementation.]
	Sammamish	WWA Phase II	Source Control Program (WWA)	51-52	S5.C.8.b.i: The permit indicates under S5.C.8.b.i that the requirements of this section are met by using the source control BMPs in the SWMMWW or a functionally equivalent manual. One such functionally equivalent manual, the King County P2 Manual, does not include any treatment BMPs. If we are relying on the King County P2 manual to implement this program, we will not have any treatment BMPs to refer to or require. Is this acceptable? <b>-OR-</b> The permit indicates under S5.C.8.b.i that the requirements of this section are met by using the source control BMPs in the SWMMWW or a functionally equivalent manual. The SWMMWW does not in all cases describe treatment BMPs under Vol. IV. For those activities lacking a specific discussion of treatment BMPs/facilities, are we only expected to require structural BMPs (where operational BMPs are insufficient to prevent illicit discharges to the MS4)?

	Sammamish	WWA Phase II	Source Control Program (WWA)		Q: Are areas that discharge directly to a waterbody or through a UIC excluded from the inventory of businesses? Often, a UIC will have an emergency overflow that could flow into our MS4. Please clarify in FAQ.
	Sammamish	WWA Phase II	Source Control Program (WWA)		Q; We are concerned about the inclusion of home-based businesses in the inventory. If we determine that a specific business/property has no potential outdoor pollutant-generating sources, can those locations be excluded from the source control inventory? Please clarify in FAQ.
	Sammamish	WWA Phase II	Source Control Program (WWA)	52	S5.C.8.b.iii.(a): Will Ecology provide guidance re: how tailored the outreach information provided to specific SIC codes need to be (or is that up to the jurisdictions)? Please clarify in FAQ.
	Sammamish	WWA Phase II	Source Control Program (WWA)	52	S5.C.8.b.iii.(b): Please add language to this section identifying that Permittees may count denial of access to properties towards the 20% annual inspection performance standard. Permittees have no control over whether or not a property owner will allow access to private property and Permittees should not be penalized for it.
	Sammamish	WWA Phase II	Source Control Program (WWA)	53	S5.C.8.b.iii.(c): <i>"Each Permittee shall inspect 100% of sites identified through legitimate complaints."</i> We request some leniency with this absolute and that the language be revised to 95% consistent with Stormwater Facility inspections. While this language appears to be a simple requirement, it raises several questions and problems in regards to implementation. These questions and problems include: 1) Does this refer to complaints received through the IDDE program and spill hotline? If so, how will they be documented separate from standard IDDE complaints? and 2) Do these complaints count towards the 20% performance standard identified in section S5.C.8.b.iii.(b)? Please clarify or provide an example of how this could be done for pressure washing businesses or equivalent mobile business. As this requirement has the potential to confuse and complicate Permittees' existing IDDE programs, and are duplicative of existing IDDE program components, the City therefore asks that this language be removed from this section.
	Sammamish	WWA Phase II	Source Control Program (WWA)	52-53	S5.C.8.b.iii(b and c): Q: How do source control inspections overlap with IDDE inspections? Can we get credit for IDDE inspections (S5.C.5.d.i) with our source control inspections? Please clarify in FAQ.
	Sammamish	WWA Phase II	Operations and Maintenance	38	S5.C.7: Suggest adding a compliance clause similar to inspections with compliance achieved at 95% of those identified for maintenance as being completed. Suggested language under S5.C.7.a.ii: Add new sentence to end of section <i>"Maintenance shall be performed for at least 95% of the facilities and catch basins identified for maintenance."</i>

	Sammamish	WWA Phase II	Appendix 1	42 of 47	<p>Under Section 4.7 Minimum Requirements #7: Flow Control, TDA Thresholds. The "Note" was changed to the following language: <i>If the discharge from the TDA is to a stream that leads to a wetland, or to a wetland that has an outflow to a stream, both this Minimum Requirement and 4.8 Minimum Requirements #8: Wetlands Protection apply to the TDA.</i> Please clarify if the conditions of the Note are true, even small projects that have less than 10,000 SF of effective impervious surfaces would be required to provide flow control.</p> <p>If this is the intent, then small projects (eg, new additions and replaced impervious surfaces) will have a very hard time meeting flow control requirements in areas where infiltration and dispersion are not feasible. They would have to install a vault or tank with a very small orifice to meet exceedence curves. Private SFR owners would have to maintain these systems as well so future effectiveness would be uncertain. SFR owners may have to employ a civil engineer and meet competing codes such as setbacks and tree retention in order to construct a vault or tank. We STRONGLY urge Ecology to reconsider this new Note.</p> <p>The City has communication with Doug Howie of Ecology and he has indicated that requiring MR 7 for small developments less than 1000SF is not Ecology's intent. We therefore recommend deletion of the entirety of this note.</p>
	Sammamish	WWA Phase II	Appendix 1	1 of 47	Consider including repair of pavement sink holes to maintenance practices that are exempt.
	Sammamish	WWA Phase II	Appendix 1	1 of 47	Consider including regrading/reshaping/resurfacing of existing ramps and sidewalks to meet ADA requirements to maintenance practices that are exempt.
	Sammamish	WWA Phase II	Appendix 1	1 of 47	Consider including repair or reroofing with equivalent hard surface material to maintenance practices that are exempt.
	Sammamish	WWA Phase II	Appendix 1	37 of 47	Reconsider use of AADT - Annual Average Daily Traffic. Our City does not have this data readily available. We have ADT - Average Daily Trips. Using ADT would be consistent with where oil control is necessary (page 36).
	Sammamish	WWA Phase II	General		As written, an annual report will be required for 2019. Many sections of the permit have moved, and additional sections added. So we have 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. We would strongly suggest that Ecology allows for a gap year in reporting similar to the 2007 and 2013 permit cycles.
	Sammamish	WWA Phase II	Appendix 1	I-3.2 Exemptions	Clarify whether the addition of a roof over an existing impervious surface, such as a patio or deck is considered a new or replaced impervious surface or if it is not new/replaced impervious.
	Sammamish	WWA Phase II	Appendix 1	I-3.2 Exemptions	Modify to specify also that upgrading to chip seal is new impervious. "Resurfacing by upgrading from dirt to <u>chip seal</u> , gravel, asphalt, or concrete; upgrading from gravel to <u>chip seal</u> asphalt or concrete; or upgrading from a bituminous surface treatment ("chip seal") to asphalt or concrete: These are considered new impervious surfaces."