

# City of Poulsbo

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**2019 PERMIT REISSUE - WW Phase II Formal Draft Comments**

Name	Document	Section	Page	Comment
Poulsbo	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17 of 92	S5.C.1.a.i.(a) - "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 (or equivalent) and in other locally initiated or state-mandated long-range land use plans that are used to accommodate growth, or transportation." <b>should be removed from the permit for the following reasons: 1) Water quality and watershed protection updates for the Comprehensive (Growth Management Act) Plan were not required under the last NPDES Permit. Therefore, this requirement it is outside of the purview of this permit or the 2013 permit; 2) Asking a Permittee to report on items outside of the regulatory time window of the proposed permit is also outside of the purview of this permit. In addition, the repeated references to the Comprehensive Plan are confusing as there is more than type of Comprehensive Plan (i.e. GMA &amp; Stormwater). Please be more specific in referencing these documents throughout this section.</b>
Poulsbo	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. Many Permittees use non-stormwater projects as an opportunity to include stormwater retrofits at a greater cost savings than when done as a stand-alone water quality retrofit. Road projects, and sometimes, sewer and water projects offer an opportunity for stormwater retrofits to coincide with the construction. 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. A section should 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, without this new language, these cost effective and beneficial retrofits will not occur, unless they fall within a priority basin or area.
Poulsbo	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 which take a lot of time when working with other jurisdictions. The amount of time available to complete regional planning efforts should be increased.
Poulsbo	WWA Phase II	Comprehensive Stormwater Planning (WWA)	18 of 92	S5.C.1.a.i.(b) - This paragraph requires Permittees to update their (GMA?) Comp Plan with water quality and watershed protection elements by 3/31/22. This language should be removed from the permit for the following reasons: 1) A Stormwater Element is not a required component of the GMA Comp Plan. If Ecology wishes to modify the requirements of the Comp Plan, it should be done through an amendment of the state Growth Management Act, not through a federal stormwater permit requirement. 2) Watershed and water quality protection components should be addressed in a Comprehensive Stormwater/Surface Water Plan, not a GMA document.
Poulsbo	WWA Phase II	Comprehensive Stormwater Planning (WWA)	18 of 92	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 of 2021 and 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.
Poulsbo	WWA Phase II	Comprehensive Stormwater Planning (WWA)	19 of 92	S5.C.1.c.i <i>Stormwater Management Action Planning</i> - "Where significant gaps in the state of knowledge exist, a plan and protocol should be developed to improve the assessment." <b>should be removed because: 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) Most jurisdictions opt 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 by requiring permittees to develop a monitoring plan.</b>
Poulsbo	WWA Phase II	Education and Outreach	21 of 92	S5.C.2 "Create <i>stewardship opportunities that encourages community engagement in addressing the impacts from stormwater runoff.</i> " <b>Rather than "create" stewardship opportunities, state "create or facilitate" or "create or connect residents with stewardship opportunities". This will address a scenario where the permittee works with an existing non-governmental or other organization for stewardship activities.</b>

Poulsbo	WWA Phase II	Education and Outreach	21 of 92	S5.C.2 "Create stewardship opportunities that encourages community engagement in addressing the impacts from stormwater runoff....[Paragraph below bullet points] Permittees may choose to meet these requirements [including stewardship] individually or as a <u>member of a regional group</u> ...." The phrase "member of a regional group" is not appropriate for all stewardship possibilities. A permittee may work with a non-governmental group and will not necessarily be a "member" of such a group. In some cases "partner" or "associate" may be a better description. The "stewardship" element might better be separate from the two bullet points preceding it by placing it below the paragraph about regional groups.
Poulsbo		Education and Outreach		S5.C.2 "Permittees may choose to meet these requirements individually or as a member of a regional group ." Define "regional". "Regional" is often assumed to be a reference to STORM; however it could mean the entire Puget Sound region, or Western Washington, or a smaller region associated with a particular geography and conditions, such as those on the west side of the Sound. If Ecology is defining "regional" in terms of the large areas first mentioned above, then there should be an accommodation for "sub-regional" groups.
Poulsbo	WWA Phase II	Education and Outreach	21 of 92	S5.C.2 "Permittees may choose to meet these requirements individually or as a member of a regional group ..... If a Permittee chooses to adopt <u>one or more elements</u> of a regional program, the Permittee <u>shall participate</u> in the regional group and implement the regional program in the local jurisdiction. ." This requirement could be interpreted to state that if a permittee chose to act individually, they could not have a program element(s) that the regional group has because they are not participating in the regional group. If so, then the negative consequences to the success of their education and outreach efforts can be significant if they are "barred" from the dissemination of certain program elements. We don't question the benefits of a regional group and that cost-sharing and "sweat equity" by those who benefit seems only fair, but <u>participation should not be an Ecology requirement.</u>
Poulsbo	WWA Phase II	Education and Outreach	21 of 92	S5.C.2 "2. "Permittees may choose to meet these requirements individually or as a member of a regional group. Regional collaboration on general awareness or behavior change programs, or both, includes <u>Permittees developing a consistent message, determining best methods for communicating the message, and when appropriate, creating strategies to effect behavior change</u> .... ." The underlined section above should apply to permittees acting as individuals as well. Suggest rewording as, "Permittees may choose to meet these requirements individually or as a member of a regional group. <del>Regional collaboration on</del> General awareness or behavior change programs, or both, includes Permittees developing a consistent message, determining best methods for communicating the message, and when appropriate, creating strategies to effect behavior change."
Poulsbo	WWA Phase II	Education and Outreach	21 of 92	S5.2.a.i. "permittees shall annually select at a minimum one target audience and one subject area from either (a) or (b) ." Please clarify whether Ecology expects permittees to select a new audience and behavior annually, or can they select 1 from each for the duration of the permit period.
Poulsbo	WWA Phase II	Education and Outreach	22 of 92	S5.C2.a.i. Target audience is shown as a heading for item (a) and (b), then repeated next to item (b); suggest removing the text and keeping Target audience as the header for both.

Poulsbo	WWA Phase II	Education and Outreach	23 of 92	S5.C.2.a.ii.b. <i>No later than July 1, 2020, each Permittee shall conduct a new evaluation of the effectiveness of the ongoing behavior change program (required under S5.C.1.a.ii and S5.C.1.c of the 2013-2018 Permit). Permittees shall document lessons learned and recommendations for which option to select from S5.C.2.a.ii(c). Clarify that the evaluation shall COMMENCE no later than July 1, 2020 - or - that it shall be COMPLETED by that date.</i>
Poulsbo	WWA Phase II	Education and Outreach	23 of 92	S5.C.2.a.ii.c <i>Based on the evaluation from S5.C.2.a.ii.(b), by February 1, 2021, each Permittee shall follow social marketing practices and methods, <del>similar to Community Based Social Marketing</del>, and develop a program that is tailored to the community, including development of a program evaluation plan. Clarify that the program development shall COMMENCE no later than February 1, 2021 - or - that it shall be COMPLETED by that date. Delete "...similar to Community Based Social Marketing".</i>
Poulsbo	WWA Phase II	Education and Outreach	23 of 97	S5.C.2.a.ii.(b) - <b>Please revise the language in this section to read as follows:</b> <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). Also in the same section, please revise the second sentence to read "<u>If re-evaluating an ongoing program</u>, Permittees shall..." This will allow Permittees to select a new program if their ongoing program needs no further evaluation.</i>
Poulsbo	WWA Phase II	Education and Outreach	23 of 92	S5.C.2.a.iii <i>Stewardship. Each Permittee shall create and advertise stewardship opportunities and/or partner with existing organizations (including non-permittees) to encourage residents to participate in activities or events planned and organized within the community, such as: stream teams, storm drain marking, volunteer monitoring, riparian plantings, and education activities. The Permittee should <u>provide or facilitate</u> stewardship opportunities instead of <u>create</u> them since the requirement allows for partnerships with existing organizations. The partner may create the opportunity while the Permittee provides advertising, in-kind services, etc.. Change "create" to "provide or facilitate".</i>
Poulsbo	WWA Phase II	Controlling Runoff (WWA)	34 of 92	S5.C.6.a (Vesting of Stormwater Standards) - 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. The following revision would address this issue: Add language that allows development applications to vest to the current standards that went into effect on January 1, 2017. In addition, <b>(1) please revise the deadline</b> for implementation of the new stormwater standards to be established as of January 1, 2022, rather than December 31, 2021 to create a consistent and cleaner implementation date to avoid confusion to Permittees and the development community, and <b>(2) please clearly state the date by which the 2019 manual must be adopted.</b> The current language requires one to infer the date. By law, the manual (construction standards) must be adopted by ordinance.
Poulsbo	WWA Phase II	Operations and Maintenance	49 of 92	S5.c.7.e " <i>.....implement and document all practices, policies, and procedures to reduce stormwater impacts...."</i> <b>Provide a due date (August 1, 2020 or later) which allows time for the permittees to document those practices, policies, and procedures which may not be in <u>written</u> form. This would also allow time for permittees to refine what they do have, take advantage of materials that are already developed by others which could be shared, or use those currently in the process of being developed such as from the King Co/Herrera ditch maintenance grant project.</b>

<p>Poulsbo</p>	<p>WWA Phase II</p>	<p>Appendix 1</p>	<p>15 of 47</p>	<p>Figure 1-4.1 The first block of the flow chart says, "Will the project discharge stormwater either directly or indirectly into an MS4 owned or operated by the Permittee?" If the answer is "no" the permittee is not required to apply the minimum requirements; however a project may be at the perimeter/city limits of a regulated MS4 and due to topography discharge directly outside the boundary into someone else's MS4. Based on the flow chart, the project won't be subject to minimum requirements yet it could flow into someone else's regulated MS4. Consider changing the last two words in the first block to say, "...@ permittee" or ".....<u>any</u> permittee"</p>
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