



SKAGIT COUNTY PUBLIC WORKS DEPARTMENT

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November 14, 2018

Abbey Stockwell
Washington Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Re: Comments on Draft Phase II Municipal Stormwater General Permit

Dear Ms. Stockwell:

Thank you for the opportunity to provide comments on Ecology's Draft Phase II Municipal Stormwater General Permit. While Skagit County supports Ecology's pollution control efforts, Skagit County is concerned that the new permit requirements will be challenging to implement in the required timeframes without additional funding. For example, with respect to the source control program for existing development, Skagit County foresees limitations in the effectiveness of this program if private citizens do not allow staff access to their properties. However, this limitation is not addressed in the permit. It will also take additional time for Skagit County to implement a source control program for existing development since Skagit County does not have a business licensing requirement. Developing an inventory of commercial and industrial businesses in the NPDES coverage area will involve a significant effort to prepare. Skagit County needs additional funding and staff to implement this program.

Furthermore, Skagit County is concerned about the Comprehensive Stormwater Planning requirements and the effectiveness of such a program. Given the geography of Skagit County's NPDES coverage area, which borders several other municipalities, there is no permit requirement to work together with neighboring jurisdictions to develop a true regional strategy. Skagit County's planning efforts are also limited by the lack of coordination with Ecology on Industrial and Construction General Permits issued by Ecology in Skagit County. Thank you for listening to our concerns. Enclosed is a spreadsheet with additional comments on the draft permit.

Sincerely,

Michael See
Water Resources Section Manager
Skagit County Public Works

Enclosure

cc: Dan Berentson, Skagit County Public Works Director
Hal Hart, Skagit County Planning & Development Services Director
Tim Holloran, Skagit County Administrator

SKAGIT COUNTY COMMENTS on WESTERN WASHINGTON II FORMAL DRAFT PERMIT

Name	Document	Section	Page	Comment
Skagit Cour	WWA Phase II	Compliance with Standards (WWA)	13 of 92	S4.F.1 –Skagit County has concerns regarding the proposed language that the Permittee must notify ECY if the Permittee "is causing or contributing to a known or likely violation of Water Quality Standards in the receiving water." The County has 2 concerns with this language. 1) The proposed language "is causing or contributing to" is pretense and implies that violations we become aware of after they occur do not require reporting to ECY. 2) The word "likely" is too vague and puts the Permittees in a position of having to speculate if a violation actually occurred.
Skagit Cour	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17 of 92	There is insufficient time provided to incorporate the proposed changes into the County's long-range comprehensive plan. The deadlines listed in S5.A.5 on page 18 do not match the County's schedule for comprehensive plan updates as per GMA.
Skagit Cour	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17 of 92	Skagit County 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.
Skagit Cour	WWA Phase II	Stormwater Management Action Planning (WWA)	19 of 92	There is interest in Skagit County to engage in a regional planning effort that not only meets this permit requirement but would also benefit regional salmon restoration 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.
Skagit Cour	WWA Phase II	Stormwater Management Action Planning (WWA)	19 of 92	S5.C.1.c.i – Skagit County supports the request that the following language: "Where significant gaps in the state of knowledge exist, a plan and protocol should be developed to improve the assessment." be removed or modified. As a Permittee, we opt to contribute to a regional monitoring effort because, with our limited resources, it feels like the most efficient way to achieve that requirement.
Skagit Cour	WWA Phase II	Education and Outreach (WWA)	23 of 92	Ecology should remove the term "Community-Based Social Marketing" and simply replace it with "Social Marketing." Community-Based social marketing is still developing existing social marketing efforts would not meet this criteria.
Skagit Cour	WWA Phase II	MS4 Mapping and Documentation (WWA)	25 of 92	The deadline in S5.C.4.b.ii of January 1, 2020 does not provide permittees adequate time to implement this requirement and should be extended to 2021.

Skagit Cour	WWA Phase II	IDDE (WWA)	33	S5.C.6.g Recordkeeping. 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.
Skagit Cour	WWA Phase II	Source Control Program (WWA)	51-52 of 92	S5.C.8 Source Control Program for Existing Development – Skagit County 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 has the potential to have significant financial impacts on property owners who developed their property prior to current water quality treatment standards going into effect. In addition to potentially creating financial hardships, there may be spatial limitations to consider. Skagit County requests that this requirement be removed from the language in these sections and be replaced with something like an educational program that incentivizes structural retrofits on these existing non-conforming sites. If Ecology insists on keeping this structural retrofitting language, please provide the legal basis Permittees can use to justify implementation of this retrofitting requirement.
Skagit Cour	WWA Phase II	Source Control Program for Existing Development	51-54 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. Skagit County is concerned that this could negatively impact our current source control program that has been relatively successful with voluntary compliance.
Skagit Cour	WWA Phase II	Source Control Program for Existing Development (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.
Skagit Cour	WWA Phase II	Source Control Program (WWA)	52-53 of 92	S5.C.8.b.iii.(b) – Skagit County supports adding language to this section that allows Permittees to 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.

Skagit Cour	WWA Phase II	Reporting Requirements (WWA)	73 of 92	S9.A - Skagit County strongly suggests ECY provide a gap year in the reporting requirements like was offered between the 2007 and 2013 permit cycles. With there being significant changes in the Permit, including sections being moved and new sections being added, there is a sincere concern that the 2019 Annual Report will be extremely time consuming.
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