

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

Name	Document	Section	Page	Comment
Snoqualmie	WWA Phase II	Compliance with Standards	12	S4.F.1 - The proposed language indicates that the Permittee must notify Ecology if the Permittee "is causing or contributing to a known or likely violation of Water Quality Standards in the receiving water." The City of Snoqualmie has 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.
Snoqualmie	WWA Phase II	Controlling Runoff (WWA)	29	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.
Snoqualmie	WWA Phase II	Source Control Program (WWA)	37	The requirement to inspect 20% of businesses annually will be a significant expense and require additional staffing either by the City or a contractor (even allowing for the fact that follow-up visits count toward the 20%). To reduce the burden we suggest Ecology focuses the list of businesses in Appendix 8 to those that present the greatest risk of pollutant discharges to the MS4 (eg, manufacturing, transportation, heavy industry). Remove businesses that operate indoors and thus have little risk of discharging pollutants to storm drains.
Snoqualmie	WWA Phase II	Source Control Program (WWA)	37	The source control inspection program will be costly. Can Ecology provide a corresponding level of financial support to smaller Cities implementing this inspection/training/enforcement program? The retrofits themselves will also be costly, can Ecology provide funding opportunities for businesses to implement required retrofits?
Snoqualmie	WWA Phase II	Source Control Program (WWA)	37	We have concerns about the legality of forced implementation of structural BMPs for existing development. This may be regarded as a takings by the property owners. The City asks that the attorney general's office review the legality of this requirement. If it is found to be on questionable legal ground, then we recommend that this requirement language be removed from these sections and replaced with a program that incentivizes structural retrofits on existing non-conforming sites. If the structural retrofitting language remains, can Ecology provide the legal basis in the FAQ that Permittees can use to justify implementation of this retrofitting requirement, should it be challenged locally?

Snoqualmie	WWA Phase II	Source Control Program (WWA)	37	Most businesses operate in buildings they lease rather than own. As such, a requirement for structural BMPs will possibly trigger lawsuits between building owners and lessees as to who should pay for the BMP. Businesses won't want to pay for capital upgrades to a facility they don't own; property owners will not want to pay for upgrades that weren't required at the time their facility was built, and are only required because of a particular tenant. Can Ecology address these issues in the FAQ guidance document?
Snoqualmie	WWA Phase II	Comprehensive Stormwater Planning (WWA)	16	Permittees must submit a report by March 31, 2022 to "describe how water quality and watershed protection are being addressed during this 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". The deadline for completing the basin assessment and prioritization is June 30, 2022. It would be more logical to conclude the basin assessment and prioritization first, then describe in a report to follow how that information is being used to update the Comprehensive Plan (or equivalent)
Snoqualmie	WWA Phase II	Comprehensive Stormwater Planning (WWA)	16	While the basin plan requirements in the next permit cycle do not appear to be onerous, future permits may require plan implementation which can be extremely costly depending on the rate of implementation, the degree of water quality impairment, and the required water quality improvement targets, and the extent to which both planning and implementation are required beyond the initial, selected, pilot basin. For example, the Snohomish County Little Bear Basin plan ( <a href="https://bit.ly/2LN2vBK">https://bit.ly/2LN2vBK</a> ), which was mandated by Ecology due to their Phase-I status, estimated that \$308M in stormwater retrofits and associated costs would be required to restore that basin to a condition meeting water-quality criteria outlined in the WAC. Collectively the Phase-I communities have estimated retrofit requirements range from tens of thousands of dollars per acre to up to \$300,000 per acre. Presumably this wide range depends on the degree and nature of existing water quality and flow regime impairment- typically associated with the age and intensity of urbanization within the selected catchment. For the sake of discussion, if a typical cost of \$55,000 per acre is assumed (geometric mean of 10,000 and 300,000), this would require 16.5 million dollars to implement an action plan for a single 300-acre catchment- and this total is by no means at the upper end of the cost range. Does it make sense to spend this much money in such a small area? Will it draw down stormwater management investments in other areas and lead to further degradation elsewhere within a jurisdiction? Will it not be in the best interest of a jurisdiction's stormwater managers to develop a rationale for selecting an area with minimal existing impact (retrofit need) in order to reduce action plan costs? The City requests that Ecology provide more transparency with respect to the long term trajectory of basin plan requirements over several permit cycles so that jurisdictions can plan accordingly (i.e. will phase-II communities be required to implement retrofits on the next permit cycle?).
Snoqualmie	WWA Phase II	Education and Outreach	21	Strike the reference to "Community Based Social Marketing" and replace with more generic language. The City is concerned that it will be very difficult to identify a stormwater permit coordinator with adequate qualifications.
Snoqualmie	WWA Phase II	Education and Outreach	21	The deadline to develop a program tailored to the community is February 1, 2021 (S5.C.2.a.ii.(c)). The deadline to implement the strategy is only two months later on April 1, 2021 (S5.C.2.a.ii.(d)). The April deadline should be extended at least a month for two reasons- to give sufficient time for any procurement required, and to avoid compressing multiple deadlines (the deadline for annual reports is also March 31, Section S9).

Snoqualmie	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. Please provide an example in the FAQ.
Snoqualmie	WWA Phase II	Monitoring	48	Permittees that perform local monitoring in addition to paying into the regional monitoring plan should be provided some credit for that effort, even if it falls short of the minimum requirements outlined in the permit.
Snoqualmie	WWA Phase II	Public Education and Outreach	21	S5.C.2.a.ii.(b) - Regarding the "ongoing" behavior change program. The City is concerned that this is wording may mandate the program performed during the prior permit cycle may need to be maintained. Wording should be changed to reflect that Permittee may evaluate on an ongoing or new behavior change program. Please revise the (and S5.C.2.a.ii.f) language to read as follows: No later than July 1, 2020, each Permittee shall conduct a new evaluation of the effectiveness of the ongoing or <a href="#">a new</a> 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 " <a href="#">If re-evaluating an ongoing program</a> , Permittees shall..." This will allow Permittees to select a new program if their ongoing program needs no further evaluation.
Snoqualmie	WWA Phase II	Source Control Program (WWA)	37-39	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.
Snoqualmie	WWA Phase II	Source Control Program (WWA)	38	S5.C.8.b.iii.(c): " <i>Each Permittee shall inspect 100% of sites identified through legitimate complaints.</i> " 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.
Snoqualmie	WWA Phase II	Source Control Program (WWA)	38	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.

Snoqualmie	WWA Phase II	Appendix 1	36 of 39	<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 urge Ecology to reconsider this new Note.</p>
Snoqualmie	WWA Phase II	Appendix 1	1 of 39	Consider including repair of pavement sink holes to maintenance practices that are exempt.
Snoqualmie	WWA Phase II	Appendix 1	1 of 39	Consider including regrading/reshaping/resurfacing of existing ramps and sidewalks to meet ADA requirements to maintenance practices that are exempt.
Snoqualmie	WWA Phase II	Appendix 1	1 of 39	Consider including repair or reroofing with equivalent hard surface material to maintenance practices that are exempt.
Snoqualmie	WWA Phase II	Reporting Requirements	50	The City requests a one-year gap before the first annual report is due following the effective date of the new permit. This time is needed to provide the City time to implement the required program and reporting changes. The first annual report under the 2019 permit would be due on or before March 31, 2021.
Snoqualmie	WWA Phase II	Comprehensive Stormwater Planning (WWA)	17	S5.C.1 Consider changing 'Comprehensive Stormwater Planning' to Integrated Stormwater Planning or something similar. The word 'Comprehensive' conflicts with existing City Comprehensive Plans and may cause confusion between the two. In British Columbia they use the term 'Integrated Stormwater Master Plan'.