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February 25, 2022

DELIVERED VIA ONLINE PUBLIC COMMENT FORM

Washington Department of Ecology
Water Quality Program - Municipal Stormwater
Permitting 300 Desmond Drive SE
Lacey, WA 98503

Re: City of Spokane Early Comments for the Eastern Washington Phase II Municipal Stormwater Permit Reissuance

Dear Municipal Permit Group,

The Washington Department of Ecology held a webinar on February 8, 2022 to discuss the current Structural Stormwater Control Program (SSC) requirements in the Phase I Municipal Stormwater Permit, and similar programs for Western Washington Phase II Permittees. Information obtained from the seminar indicate that it is Ecology's intent to include a requirement to implement SSC programs into municipal stormwater permits statewide. The City of Spokane is an Eastern Washington Phase II Municipal Stormwater Permit permittee, and has some concerns regarding a requirement to implement a SSC program.

A fundamental concern is that the requirement to implement a point system to guide and track projects will place emphasis on projects that do not align with the city's planned future infrastructure plans. The act of having to choose projects to obtain enough SSC project points may put more emphasis on obtaining points and foster projects that secure the most points, but may not be the best project choice for the city or its residents. A point system that would be used to maintain permit compliance may not align with current project planning strategies, and may misplace or incorrectly force ranking of less beneficial projects. The city currently performs projects as opportunities arise to take stormwater offline of the Spokane River where practical, and has documented plans to continue to do so moving forward. A SSC requirement is not necessary for the city to realize its goal, and would put unnecessary burden on unavailable resources. Additionally, there is concern that a SSC point system could unequally favor projects that may not have better water quality benefits than projects that may not qualify for SSC programs would the city would undertake without a SSC requirement.

Many of the stormwater infrastructure projects the city performs are Ecology grant funding, and there is concern that discrepancies could be perceived because of incongruent reporting metrics between programs. For example, reporting for a SSC program may have a different focus and different metrics than is required for funding for another State program, which could create a situation that is perceived as reporting inaccurate and/or contradicting information. Additionally, while SFAP funding appears to be available to SSC programs, it is unclear if project funding from other sources would become unavailable if

the project is being used to satisfy SSC requirements, which would impact the ability of the city to fund and perform needed projects.

There is concern that the SSC program requirements of the current Phase I permit are being considered to be required in Eastern Washington. Specifically, the SSC program flow equivalent component may not be a very good fit. The Spokane River does not have a flow restriction on it, and flow control infrastructure is far less common in Eastern Washington than in Western Washington. Flow control equivalent processes are a significant feature of the Phase I permit and point system, and it provides a variety of project options for permittees to maintain compliance with SSC requirements. Inclusion of flow control components in an Eastern Washington SSC program would require municipalities to use resources to obtain flow control equivalent points, but would not in reality provide much environmental benefit for the area. Alternatively, removing the flow control equivalent processes from a SSC program drastically limits some of the options to obtain points and would reduce the flexibility available for municipalities to perform SSC compliant projects.

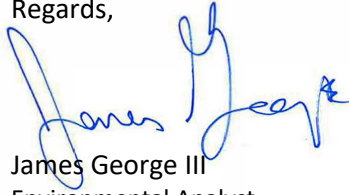
Like many Eastern Washington jurisdictions, the Spokane Region is geographically distinctive with geology and natural resource settings that are uniquely local. Eastern Washington municipalities may be less similar to each other geographically than are Western Washington municipalities to each other. Where a SSC program on the west side of the state could be standardized for Western Washington municipalities, it would be more challenging to do so in Eastern Washington, and as such would provide unequal burden on permittees. A SSC program requirement would have to be fully vetted to ensure that it adds value to Eastern Washington environments in lieu of simple adoption of the Western Washington Phase I permit SSC requirements. In addition, it may warrant vetting any potential SSC requirements on a more local level and have permittee specific requirements, in lieu of general permit requirements, for compliance to be achievable and meaningful.

Whereas in Western Washington there is a common hydrologic watershed model that is employed across many jurisdictions, such is not the case in Eastern Washington. There is concern that the modeling tools used to calculate fundamental components of the program in Eastern Washington would not be “apples to apples” when comparing the modeling approaches of the Eastern Washington municipalities. This would lead to permit inequalities since the method used to calculate equivalent points would differ. Also, the SSC program does not appear to take into account geographies that overlie sensitive drinking water aquifers. A SSC program implemented in the Spokane region would need to have functioning components that consider impacts to the aquifer when ranking projects for points. Because of the highly variable geographies of Eastern Washington, SSC programs may not provide leveragable information for other municipalities to utilize as many projects in Eastern Washington are very unique.

The City of Spokane does not feel that an SSC program permit requirement would provide greater benefit to the environment than what is currently being performed and planned. However, if a SSC program requirement is included in the Eastern Washington Phase II permit, it should have the flexibility to perform projects that improve water quality that may be outside of the scope defined in the SSC program permit language.

Thank you for the opportunity to provide early comments. If you have any questions, or would like additional information, please contact me at jgeorge@spokanecity.org.

Regards,

A handwritten signature in blue ink, appearing to read "James George III". The signature is stylized and cursive, with a prominent initial "J" and a long, sweeping underline.

James George III
Environmental Analyst
City of Spokane