

# City of Tacoma

Thanks for the opportunity to provide preliminary comments. Please see the attached word document for the comments. Feel free to reach out if you have any questions or would like additional information.

## **2024 Municipal Stormwater Permit Reissuance**

### **City of Tacoma Preliminary Comments**

#### Comments on the 2024 Western Washington Ad Hoc Process

The City of Tacoma participated in the 2024 Western Washington Ad Hoc Process as participants on several ad hoc committees. The Ad Hoc Process is very reliant on the management style of the individual ad hoc committee co-leads as detailed guidance was not provided to develop the White Papers. Because of this, the City would like to remind Ecology that although the City participated on many ad hoc committees that the views of the White Paper may not accurately reflect the City of Tacoma views.

#### Comments on the Official Permit Comment Period

The City of Tacoma requests that each comment submitted on the Permit is responded to individually or that additional comment periods are provided for jurisdictions to revise their comments for clarity. The City of Tacoma, in past Permit terms, has provided detailed thorough comments that were not incorporated into the Permit or incorrectly categorized under a generic response to comment.

The City also encourages Ecology to review all comments submitted for the 2019-2024 as many were not addressed.

#### Comments on Items within the Permit that require Ecology review and approval.

The following items within the Permit require a review and approval process by Ecology:

- S5.C.5.b – Ecology required review and approval of the local manuals and ordinances is required. (SWMM)

Ecology review and approval process for specific items in the Permit is cumbersome and may inadvertently force jurisdictions to focus efforts on certain Permit components over others. Review and approval processes for very specific items in the Permit are time consuming and costly for both Ecology and the Permittee. Ecology should consider the gain for the both the Permittee and Ecology by requiring review and approval of specific Permit components. Ecology's time may be better spent looking at Permit compliance holistically and consider different mechanisms such as periodic audits of various Permit components as opposed to one time specific review and approval processes.

#### Comments on the Phase I Annual Report – Questions 28 through 35

It is generally understood by Permittees that these questions are one-time questions that will only be included in the 2019-2024 Permit Annual Reports. That would be the preference of many Permittees including the City of Tacoma. However, the following comments are provided for both this specific topic and other types of information that Ecology may want to gather in future permits.

It is unclear how the answers to these questions are useful to Ecology or Permittees. The questions are not based on specific Permit requirements. Permittees have been told that Ecology wanted the information to understand how Permittees currently conduct long range planning efforts. The method in which Ecology is asking for this information should not be embedded within the Permit. In future, if Ecology wants information that is not associated with specific Permit terms, Permittees would prefer that Ecology hold a listening session, provide a survey, or have individual meetings with Permittees where specific jurisdiction information on long-range planning efforts or any other topic could be provided. This would also allow more of a back and forth dialogue so that Ecology could obtain all the information they would like and obtain similar information for all Permittees.

Ecology should understand that the questions, as written, are unclear and difficult to interpret and answer. In conversations with other Permittees, the range of how the questions were interpreted and answered was broad. By putting these questions into the annual report, Ecology opens Permittees to third party scrutiny and potential lawsuits for a subject that is not a Permit requirement.

Ecology should further understand that some Permittees have spent large efforts (80 to 100 hours) to supply answers to these questions. This is a very large level of effort to require Permittees to undertake simply to provide Ecology with information that may or may not be consistent from all Permittees or useful for Ecology's purposes.

#### Comments on the Phase I Annual Report - Questions 36 through 37

The Annual Report questions do not align well with the Permit requirements in Phase I Section S5.C.6.c.i(a). That section indicates the requirement to "assess and document" administrative and regulatory barriers. In the second sentence of the section it states, "the report" - it is unclear what report is referred to in this sentence since sentence 1 does not require a report and the annual report questions also do not require a report.

Please clarify both the Permit section and associated questions if this section and questions will remain in the next Permit cycle.

#### Comments on Appendix 14

Appendix 14 requires Permittees to report on illicit discharges and illicit connections that do not discharge to the MS4 (APP 14 Question #6). Per S5.C.9 the program is designed to address illicit discharges into the MS4. Permittees should not have to report on illicit discharges that do not reach the MS4.

Several Permittees have had issues supplying the information in the Ecology mandated zipped .xml format. We request that Ecology allow Permittees to submit information in a format that is easy to create, such as an Excel spreadsheet. Remove references to a "zipped .xml" format.

When a date of end of response is not entered, there are errors creating and reading the .xml file. There will likely be incidents that occur close to the end of the reporting

period and the response is not complete until into the next reporting period. Allow Permittees to submit information in a format that is useable when the date of end of the response is not filled in, such as a spreadsheet. Remove references to a “zipped .xml” format.