

Informal Comments on the PRELIMINARY DRAFT Municipal Stormwater Permits (Phase I, Eastern and Western Phase II) and Stormwater Management Manuals (Eastern and Western)  
 October 17 - December 2, 2022

PRELIMINARY DRAFT TOPIC (select from drop down)	Comment	Comment Made By
MS4 Permit: Tree Retention	<p>We are providing this comment to share the significant level of effort that has been conducted around tree retention goals development in the City. The City has been managing for tree canopy and healthy urban forest coverage for many years. This work has involved dedicated staff FTE, contracted professional services, and achieving grants from various sources to advance the work. Tree canopy has been assessed twice- 2011 and 2018, this work cost tens of thousands of dollars and was supported with grant funding. New technology is emerging that can utilize more frequently released aerial imagery, however the review of this imagery to understand tree canopy coverage requires contracting with professional service providers. This is a more affordable, subscription based canopy analysis, but also may rely on the purchase of aerial imagery. The City has adopted a stated canopy coverage goal of 40% as part of tree code. The update to the tree code took 4-5 years of 1 full time staff member (Urban Forester), heavily involved executive level support (2-3 management level staff), significant community and council involvement, and a team of staff to support. After this extensive review and adoption process the code is currently under appeal by the Development Community to the Growth Management Hearings Boards. The appeal process is expected to take 1 or more years and an estimated 300 hours of staff time (not including City attorney time).</p> <p><a href="https://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/Growth-Management-Act.aspx#criticalareas">https://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/Growth-Management-Act.aspx#criticalareas</a></p>	City of Kirkland
MS4 Permit: Tree Retention	<p>There is concern that this topic, while relatively small in scope now, could become a significant land use regulation, as parameters and requirements likely expand, in future permit cycles. As mentioned above, tree regulations are a complex topic and we believe should remain up to the jurisdiction to negotiate and regulate and not be included in the MS4 permit.</p>	City of Kirkland
MS4 Permit: Sweeping	<p>Potential changes to Appendix 6: Street Waste Disposal are of significant interest. Decant capacity is limited in the City as well as regionally. Please provide proposed changes as soon as possible for comment.</p>	City of Kirkland
MS4 Permit: Sweeping	<p>Recommendation to not have a specific annual metric related to street sweeping in specific summer months. This should be part of the plan and implemented via overall plan implementation.</p>	City of Kirkland
MS4 Permit: Sweeping	<p>Strong recommendation to not use "curb miles" but instead "street or lane miles." The current asset management system used by the City does not identify roads with curbs. It would be a significant data lift to gather and incorporate that information.</p>	City of Kirkland
MS4 Permit: Sweeping	<p>The City agrees that street sweeping is of value, however we would like to see street sweeping retained as an enhanced maintenance project under the Structural Stormwater Controls permit requirement instead of in the operations and maintenance section.</p>	City of Kirkland
MS4 Permit: PCBs	<p>The City believes this will be a very difficult requirement to implement. It appears that this requirement would push PCB laden water to the waste water utility. Will it be regulated through waste water treatment? If not, the fate of the PCB's is still to end up in receiving waters. If retained, recommend at least 2 years to implement changes to IDDE Conditional Discharge Code updates. To effectively support IDDE field staff in understanding which buildings may contain PCBs, staff expect to need to complete an extensive desktop mapping exercise. Additionally, the age of the exterior of a building may not be easy information to obtain and make this difficult to implement. While our County assessor records often have age of building, this is not consistently available.</p>	City of Kirkland
MS4 Permit: PCBs	<p>Strong recommendation that the state implement a process similar to asbestos certification for PCB management. Beyond notifying applicants for demo permits that they may need to manage PCBs (similar to the NOI process for general construction permit) in specific types of buildings, there is not capacity or expertise to request, track, and enforce on PCBs testing and appropriate management during a private demolition processes.</p>	City of Kirkland
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	<p>In the Appendix 1 summary, it's stated "These proposed changes are intended to provide more Runoff Treatment to projects, by requiring the project proponent to consider the new plus replaced hard surfaces with the potential to transport pollution from roads or commercial and industrial sites." If run-off treatment is the primary goal then implement the changes to focus on such. As currently proposed, the language seems to indicate the threshold applies to flow control and run off treatment; the most impactful change as the language is written is to flow control.</p>	City of Kirkland

MS4 Permit: Appendix 1 (Phase I and Western Phase II)	If the proposed language remains, the City strongly recommends a review of the regional facilities implementation language to include flexibility in siting of regional facilities. The City agrees that managing flow at a larger scale is beneficial, however, property to site such facilities downstream of multiple projects in an urban area is very difficult to find. It is likely property would need to be acquired and the acquisition of property is difficult, costly, time consuming, and could even displace current uses (homes, businesses, etc.).	City of Kirkland
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	The proposed changes to Appendix 1 will likely shift planning towards regional facilities. If the City sites and constructs a regional facility, the City would like to ensure what we build will meet requirements for future permit and manual versions.	City of Kirkland
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Pavement Maintenance: As part of development of a single family home, the City requires the development to replace the existing utility services. As part of the definition, the City reads this exemption to not include this situation and as a result would be considered replaced impervious surface. The City does not feel that this should be considered a replaced impervious surface and should remain as an exemption under pavement and/or utility maintenance as it is maintaining existing infrastructure.	City of Kirkland
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Pavement Maintenance: Consider adding language to exempt surfaces related to offsite utility trench cutting from mitigation requirements. There are many projects that require a utility to extend to connect to an existing system, and it is not always feasible to collect the runoff from the area of the trench cut and route it to flow control and water quality systems, and mitigation trades are not always possible. It is reasonable to count the area of the trench cut for threshold determination, but it would cause difficulties if the runoff from these areas required mitigation.	City of Kirkland
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Pavement Maintenance: The City strives to complete street renovation/transportation/utility projects holistically to be effective and efficient. This could include combining a street widening and pavement maintenance projects with a utility renovation/maintenance project. By clarifying this exemption it will likely force the City to stop this practice, which would result in losing the cost efficiency related to the combined work. The City feels the replaced impervious associated with the repair and replacement of existing utilities should remain exempt regardless of if it is a stand alone project or combined with a street renovation project.	City of Kirkland
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Pavement Maintenance: The City would like to ensure grind and overlay remains a maintenance activity, regardless of the reason behind the project.	City of Kirkland
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Road Projects with Replaced Impervious Surface: The City completed an analysis of a few of our current roadway projects to better understand the impacts this requirement would have on city transportation projects. With the new threshold proposed for flow control, the detention systems would increase in size between 3 - 4.5 times larger than what they currently are. These systems would be very difficult to site within project limits (the City was built prior to these regulations and many utilities already exist under the roadway). This would also significantly increase cost to projects and would likely result in the delaying or cancelling of projects. Please consider the historic context of developing exemptions for flow control. Flow impacts are more effectively considered/managed at a larger scale (regional facilities) than per project.	City of Kirkland
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Road Projects with Replaced Impervious Surface: The proposed language will substantially increase the complexity and property needs of transportation projects (as described above). This would lead to delaying, halting, or even permanently cancelling the installation of transportation projects that are intended to move people in Kirkland more safely and efficiently by a variety of travel modes. While Kirkland's current investment in our transportation system ensures that we are meeting our transportation concurrency level of service requirements, if multiple projects are delayed or halted, this could change. The Growth Management Act requires that transportation improvements or strategies to accommodate development impacts need to be made concurrently with land development. If these transportation improvements are not in place, some development proposals must be denied. This would be a significant negative impact to the City. Many other cities would likely be put in the same situation, which would hamper the state's ability to accommodate growth, particularly in areas where transportation projects are needed to support added density in developed communities.	City of Kirkland
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Road Projects with Replaced Impervious Surface: Since the City's transportation concurrency is focused on moving people and not vehicles, many of our projects are focused this goal (bike lanes, bus lanes, multimodal projects) rather than additional vehicle lanes to move more cars. The City recommends an evaluation of these types of projects and to consider providing either exceptions or exemptions on flow control for multimodal projects with the intent of reducing car trips. For example, a potential exemption could be, a project that proposes a bus lane with bus priority could still provide treatment, but if replacing existing impervious, would be exempt from flow control. This would support a policy shift towards projects working towards both transportation and environmental goals and allow for efficient construction of projects to reduce car trips more quickly.	City of Kirkland

MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Road Projects with Replaced Impervious Surface: As proposed, both the quantity and size of facilities would increase. The maintenance needs for these facilities commensurately increases. Additionally, as these changes primarily impact transportation projects, the location of facilities is likely to be on/within/adjacent to roadways. This will increase cost for inspection and maintenance due to providing traffic control (potentially parking restrictions) during those activities. Sufficient time is needed to budget for increases in staffing.	City of Kirkland
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