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: Sweeping	Street sweeping that goes beyond O&M requirements should be eligible for SSC program points.	King County
MS4 Permit: Sweeping	Define or provide parameters for defining "high priority area" boundaries. Where does the area end?	King County
MS4 Permit: Sweeping	Documentation: Documenting ADDT and compiling detailed sweeping records for all sweepers would tax resources. Suggest changing the language to preparing a sweeping plan and implementation requirement.	King County
MS4 Permit: Sweeping	Sweeping older streets may increase pollution. Add an exclusion for not sweeping streets where it may be detrimental to water quality.	King County
MS4 Permit: PCBs	BMP S431: Allowances should be made for facilities that have been extensively remodeled since original construction and might therefore no longer have PCB containing elements. On 3.a, after "1980" insert except when the exterior has been remodeled or painted after 1980).	King County, Bob Bernhard
MS4 Permit: PCBs	BMPs S438 and S451: The responsibility of preventing PCBs from entering a municipality's MS4 should be that of the party performing the actions that have allowed PCBs to be discharged offsite. If street sweeping or drain pipe cleaning is required, it should be the responsibility of the party that has discharged the pollutant offsite.	King County, Bob Bernhard
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Does Ecology plan to add some other roofing types besides specifically coated metal to the definition of PGIS, per Ecology's roofing studies between 2013 and 2018?	King County, David Batts
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Does Ecology plan to include light rail as PGIS per Ecology's communications with Sound Transit in 2014 & 2015?	King County, David Batts
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	**Pavement Maintenance Projects**: Change in area calculation re: paving and new vs replaced impervious. Potential push-back from affected parties.	King County, David Batts
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	**TDA Thresholds**: Change in threshold for WQ treatment from 5,000 sq ft to 2,000 sq ft. KC Code will have to be amended. Potential push-back from affected parties.	King County, David Batts
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	**TDA delineation**: Potential push-back from affected parties.	King County, David Batts
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Re: **Section 2. Definitions Related to Minimum Requirements**. The definition of erodible and leachable materials is focused on waste products, and is notably lacking raw materials, byproducts, and finished products listed in SWMMWW S429. For consistency, the Appendix 1 definition should be amended to include those additional pollutants. This could be achieved by referring to SWMMWW S429 for the additions; or at the very least the definition should be amended to say, "Examples include but are not limited to . . ."	King County, David Batts
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	**Pavement Maintenance Projects**: "Larger redevelopment projects that include pavement maintenance components must consider the pavement maintenance areas as new or replaced hard surfaces, as directed by the definitions in the Glossary." This is potentially confusing. Is "larger" a regulatory term? The new/replaced definitions and thresholds (here, in appendix 1) should be the driver. You shouldn't have to refer to the glossary…maybe better to preface the last sentence, "Based on the preceding, this means that projects that are not solely pavement maintenance projects must consider…." Get rid of "larger". Insert "projects that are not solely maintenance projects"". Also, note that requiring overlay to be treated as new/replaced may be problematic for development projects that have to improve a small amount of frontage as part of the development.	King County, Mark Wilgus
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Underground Utility Projects: See earlier comment in Pavement Maintenance Projects re: use of the word "larger". The use of the term "larger" is confusing.	King County, Mark Wilgus
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	**Bioretention BMPs:** Given the difficulty and expense of vegetation maintenance, need some No or Low Veg options if we want them to work / remain long term. Treatment utility by the plants themselves is negligible even with careful harvesting and replacement.	King County, Mark Wilgus

MS4 Permit: Appendix 1 (Phase I and Western Phase II)	**Section 3.1 Minimum Req Thresholds**: "For projects that are implemented in incremental stages or phases as part of a common plan of development or sale, the thresholds below must be considered for the complete project at full build-out. " Is "common plan of development or sale" defined elsewhere? It is possibly more effective to add a target surface of "existing unmitigated surfaces" added after XX date.	King County, Mark Wilgus
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	**4.2 Minimum Requirement #2: Construction Stormwater Pollution Prevention Plan (SWPPP) "P**ermittees remain responsible for site inspection and enforcement of the requirements, to ensure that construction operators follow their SWPPPs in accordance with Local Jurisdiction regulations. " So local jurisdiction are charged with inspecting and enforcing Ecology's issued CSWG and / or State Waste Discharge permit? Is that legally enforceable by the municipality ? If so, can a developer then appeal to Ecology staff who wrote / issued the permits?	King County, Mark Wilgus
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	**4.2 Minimum Requirement #2: Construction Stormwater Pollution Prevention Plan (SWPPP**) "If erosion and sediment control requirements are not being met (i.e. sediment-laden water is leaving the site), then the local jurisdiction shall require that the contractor maintain the existing BMPs or implement other BMPs as appropriate." Probably better to say "perform corrective maintenance or modification to the existing BMPs" rather than just "maintain the existing BMPs".	King County, Mark Wilgus
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	***Element 9: Control Pollutants. "*** *Minimize storage of hazardous materials on -site* ***. "*** Noting that "minimize" is not enforceable language.	King County, Mark Wilgus
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	**4.6 Minimum Requirement #6: Runoff Treatment .** Noting that lowering the threshold for wq facility to 2,000 SF will add costs and impact KC's ability to offer less expensive, small site drainage review program to some number of applicants.	King County, Mark Wilgus
SWMMEW Item 1: Table of Contents	* This comment is not about the TOC; it is about the SWMMWW draft overall, but there's no TOPIC dropdown choice for that * We understand Ecology's reasoning behind not releasing a redline version of the manual (massive reformatting). However, commenting absent that is proving difficult. Could Ecology please provide an annotated list of draft changes, including for each change, Section/subsection # and or page # in both the 2019 SWMMWW and the 2024 draft, so we can readily find the changed portions and view them side by side?	King County, David Batts
SWMMWW Item 2: Climate Change Topic	Curious what studies what studies are suggesting "mental stresses" as a result of climate change?	King County, Mark Wilgus
SWMMWW Item 2: Climate Change Topic	The discussion leaves out the impacts of increased rainfall on areas that have NO detention systems (older developed areas) and also on forested areas that are not typically detained, but will have increased runoff per projections.	King County, Mark Wilgus
SWMMWW Item 2: Climate Change Topic	Advocating for "Apply more LID" is puzzling given the requirement to apply to max feasible on new and redevelopment projects. Maybe this is speaking to retrofitting? Probably need to emphasize more retrofitting (LID and Flow Control) of unmitigated surfaces. This bullet also suggests more LID as opposed to end of pipe solutions--not sure if these need to compete--it is possible that end of pipe regional ponds, etc. may be more effective and cost effective than LID retrofits for dealing w/extreme events and predicted impacts to critical infrastructure. End of pipe/regional facilities are likely much more reliable and cost effective to maintain in perpetuity.	King County, Mark Wilgus

SWMMWW Item 2: Climate Change Topic	UP-Sizing of Flow Control for future rainfall should consider design life of facilities otherwise we may build bigger facilities that are replaced even before the predicted rain arrives. Release rates should be set to existing forested conditions not future, otherwise releasing at greater rates than current w/consequent impacts. Also, need some context around utility of upsizing new facilities and BMPs as contrasted w/retrofitting all of the unmitigated and under-mitigated surfaces that will be impacted by increased rain. Lastly, absent better modeling and risk based critical infrastructure analysis, the utility of upsizing an individual facility is dubious. Need to answer strategically what does climate resiliency look like 100 years from now for both constructed systems, critical infrastructure, and natural systems whose flow dynamics will likely change regardless of our mitigative efforts.	King County, Mark Wilgus
SWMMWW Item 2: Climate Change Topic	Re: In Lieu fee programs, note that there are some state laws that complicate implementing these--timelines for spending the fees , proximity for use of fees near donating site, etc. that are problematic given timelines for doing feasibility, acquisition, planning, design and construction of capital projects (LID or larger facilities).	King County, Mark Wilgus
SWMMWW Item 3: Stormwater Pollutants Topic	* This comment is with regard to SWMMWW **Glossary**, not included in the dropdown TOPIC list. Noting the text is identical between that and MS4 Permit Appendix 1: The definition of erodible and leachable materials is focused on waste products, and is notably lacking raw materials, byproducts, and finished products listed in SWMMWW S429. For consistency, the Appendix 1 definition should be amended to include those additional pollutants. This could be achieved by referring to S429 for the additions; or at the very least the definition should be amended to say, "Examples include but are not limited to . . ."	King County, David Batts
SWMMWW Item 2: Climate Change Topic	Stormwater Management in a Changing Climate, Ecology's recommendations for stormwater management to mitigate for climate change: Ecology lists "more LID" and "Maintain and increase natural ecosystem areas"; the latter including "forest restoration" as mitigation elements. Enhanced migration of southern plant species (i.e., selection and planting) should be investigated as a strategy, as some native trees are already dying here because of climate change. Trees that are planted now should be selected for survival in both the current climate and the anticipated future climate.	King County, David Batts
SWMMWW Item 3: Stormwater Pollutants Topic	I-1.5 appears to be new to the section (likely part of the manual reorg). Parts appear to be harvested from the 2019 manual; others appear to be amended or new. Unsure what the purpose is in some cases, as there's no 'what to do about' element for some of the pollutants listed, from either a regulatory or voluntary point of view. The first paragraph list of pollutants reference citations are quite outdated and partly as a consequence, overly generalized. There must be more recent references with e.g., more details regarding the range of 'other organics' of current concern, e.g., but not limited to PFAS and phthalates; and other than the placeholder for **Pollutants from Tires and Other Rubber Products (Including 6PPD-q)** (presumably including tire wear and other rubber particulates). Last, there's no mention of plastics and especially microplastics.	King County, David Batts
SWMMWW Item 3: Stormwater Pollutants Topic	**Pollutants from Tires and Other Rubber Products (Including 6PPD-q)**. Unable to comment, as this is simply a placeholder.	King County, David Batts
SWMMWW Item 5: Bioretention BMP	Noting that bioretention for all of its benefits is maintenance intensive due to plantings. Suggest exploration of low maintenance alternatives. In our experience, getting HOAs and private prop owners to maintain these has been frustrating and costly. Given that the plants themselves provide negligible wq / fc benefit, a plantless alternative should be sought--maybe is just a sand filter or vegless system over the BSM? Concerned about long term viability of this and other (permeable pavement) BMPs.--look/perform great on install but long term concerns. Are there any studies planned to evaluate in situ performance long term including accurate data on maintenance costs?.	King County, Mark Wilgus