Spokane County

These comments are submitted by Spokane County on behalf of the many municipal departments these changes would affect. For this process, the Stormwater Utility reviewed the information provided by Ecology and distributed applicable sections of the proposed changes to individual departments to solicit feedback. A lot of time and effort was spent during this process. We appreciate Ecology's careful consideration of the comments and the opportunity to share how these changes would affect Spokane County municipal operations.

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	Comment S8 There is inadequate scientific evidence that tree canopy retention would yield statistically significant improvement in water quality for MS4 areas that discharge to the ground, such as those frequently found in Eastern Washington. The SAM project "Status and Trends Study of Puget Lowland Ecoregion Streams: Evaluation of the First Year (2015) of Monitoring Data" is only based on a single year's data, in an ecoregion drastically different from those found in Eastern Washington. Further, WAC 173-200-040 does not establish groundwater water quality criteria for either flow rate or temperature, the two parameters most likely to be affected by the presence or lack of tree canopy. It is not reasonable to require Permittees to employ resources to document tree canopy without demonstrable evidence that a water quality benefit would result. It would be reasonable to offer Permittees the option of documenting tree cover as an approved option to satisfy S8 – Monitoring and Assessment, or as a pre-approved SAM study for Eastern Washington. With additional data specific to the climate and conditions of Eastern Washington, if water quality improvement is demonstrated, it may be appropriate to incorporate such monitoring as a requirement in a future Permit cycle.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
MS4 Permit: PCBs	Comment S5 What resources would be available to departments required to implement these changes (training, grants, etc.)? As far as testing for PCBs, who would be responsible? Where would this funding come from? What is the appropriate storage and disposal of potentially contaminated materials? Discharging to sewers is not currently an option.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
MS4 Permit: Sweeping	Comment S5.B.6 Is there scientific evidence that demonstrates the water quality benefit of sweeping three times annually as opposed to one time? Is there evidence that sweeping twice per year yields a statistically significant increase in water quality protection? It is not appropriate to require this program for areas of the MS4 which discharge to the ground, unless there is scientific evidence that street sweeping leads to a statistically significant decrease in pollutant load when the discharge enters groundwater. It is reasonable to *encourage* Permittees to employ such a program for areas of the MS4 that discharge to the ground, as it may play a part in reducing the frequency of infiltration facility maintenance activities.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
MS4 Permit: Sweeping	Requiring sweeping during specific times of the year, and three times a year, is likely not feasible under current operations, with limited staff and equipment. Draft changes introducing sweeping requirements would drive a 150% to 300% increase to the program in place. The budgetary, equipment, and personnel demands of such an increase would impose a hardship on Spokane County's operations, in an already challenging situation. The proposed required sweeping schedule would be difficult to reconcile with existing seasonal work. The climate of Eastern Washington prohibits road maintenance and construction activity during winter months; snow and ice management activities during the same time frame prevent sweeping operations. By the same reason, maintenance and construction activity is concentrated in the summer months, and crews' availability to run sweeper operations is similarly limited. This leaves spring and fall as possible times to conduct street sweeping, so requiring twice-annual sweeping should be considered rather than three times, but it does not address the funding or staffing challenges.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
MS4 Permit: S8 (Eastern Phase II Only)	We propose having all 3 options (participation in SAM study, discharge monitoring, and combined effectiveness studies) and allowing the jurisdiction to choose the option most appropriate for them to meet the requirement. More information is requested regarding cost for participation in SAM study and how the studies would be designed to be applicable to Eastern Washington conditions.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
MS4 Permit: Appendix 1 (Eastern Phase II)	Comment on New Threshold Requirements (general) Increased project site inspections requirements generated by changing the regulated project threshold size will be difficult to achieve without the provision of funding support from state resources.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org

MS4 Permit: Appendix 1 (Eastern Phase II)	Comment Appendix 1, Section 1. Exemptions We request clarification regarding the exemptions section of Appendix 1. What is the intent in redefining the exemptions? In the SWMMEW, "Resurfacing with in-kind material (such as asphalt to asphalt) without expanding the road" is fully exempt, however this is not stated as an exemption in the permit. Also, what defines a project as redevelopment? Safety projects were not included in the exemption list, and are required in many projects (ADA ramps, guard rails, etc). Would projects that include these now require all core elements? In addition, partnering with other branches of our organization is key in delivering an efficient, cost-effective project that provides great benefit to our taxpayers (e.g. adding a sewer line while the road is being replaced). If these types of project now require full development (all core elements), this imposes an undue burden on municipal organizations. We will be unable to provide regular maintenance on our road systems without doing a full reconstruction – resulting in fewer projects and a drastically reduced level of service to our taxpayers. Language that is confusing and prompting this request for clarification is below: "The exemptions described below may only be applied to an entire project. The entire project must be for the sole purpose of maintaining a pavement area." The exemptions listed in the SWMMEW are appropriate and reasonable, and what we would recommend using.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
MS4 Permit: Appendix 1 (Eastern Phase II)	Comment S5.B.4 The proposed design storm standard is an unrealistic depiction of real-world conditions by isolating a project area and any precipitation it would receive in a 100-year storm event without taking into account the runoff generated in the surrounding MS4 basin by the same major storm event. The effects of a large-scale storm event (such as a 100-year storm) would not be limited to a single project area. If a project does not discharge to the MS4 under small-scale events, it should be expected that the net flow of water under a large-scale event would be the same. Envision please, a teacup in a bathtub. If a single gallon of water were poured into the teacup, it would naturally overflow into the bathtub – like a restricted model of a project boundary-delineated 100-year storm event. Contrast this with 50 gallons of water poured over the entire bathtub area. Certainly, the teacup overflows, but the bathtub overflows into it even more. Such would be the case in a real-world storm – if water does not flow from the project area to the MS4 under small-scale events, it should not be expected to do so in a large-scale event. Municipal Permit requirements are intended to facilitate Permittees' adherence to RCW 90.48 and WAC 173 by regulation of discharges to waters of the state from the Permittee's MS4. If it is demonstrated through modeling, calculations, or a similar process that there is negative net runoff flow from a project to the MS4 in large-scale storm conditions, the Permit requirements should not apply. The Permittee should be encouraged to implement design standards, plan review, inspections, and all other conditions to protect water quality.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
MS4 Permit: Appendix 1 (Eastern Phase II)	S5.B.4 Please ensure uniformity within the text by using the phrasing "sites that meet the minimum threshold requirements" in all places where language referring to the acre-threshold has been removed. S5.B.4.c.i Please provide a definition and/or clarification for "permitted" construction sites. Some possible interpretations are: "sites issued a permit by the Permittee" or "sites meeting the regulatory threshold" among other possible understandings of the term used. S5.B.4.f The word "complying" in the phrase "projects complying with the requirements of this section" is unclear. Does Ecology intend for Permittees to keep records of projects "subject to" the requirements?	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
MS4 Permit: Appendix 1 (Eastern Phase II)	S5.B.5 Please ensure uniformity within the text by using the phrasing "sites that meet the minimum threshold requirements" in all places where language referring to the acre-threshold has been removed, and throughout the body of this section. S5.B.5.g The word "complying" in the phrase "projects complying with the requirements of this section" is unclear. Does Ecology intend for Permittees to keep records of projects "subject to" the requirements?	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org

MS4 Permit: Appendix 1 (Eastern Phase II)	Appendix 1, section 2. Definitions The word “ineffective” in the definition of “Effective impervious surface” is very difficult to understand. Please consider alternate phrasing; perhaps: “A surface is not considered an effective impervious surface if: 1. The runoff is fully dispersed …” In the definition of “pre-developed condition,” please establish a calendar-based rather than socio-politically based point of demarcation. As indicated by the definition itself, limited information is available regarding actual predeveloped conditions. The definition of “wetlands” is in accord with the definitions provided by other regulatory agencies, which is appreciated.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
MS4 Permit: Appendix 1 (Eastern Phase II)	Appendix 1, Core Element 4.5 and successive The lack of text formatting for the phrase “Section 3. Applicability of the Core Elements” makes the content confusing. Please use textual differentiation in future publications. Appendix 1, Core Element 4.5, part 3. Metals Treatment Page 30 of 41 includes a reference to “Appendix 2-A: Basic Treatment Receiving Waters in the SWMMEW.” This list could not be found.	Follow up can be directed to Christa Riley at CRILEY@spokanecounty.org
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