

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

PRELIMINARY DRAFT TOPIC (select from drop down)	Comment	Comment Made By
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	MR #9 should include standards for LID BMPs. It should not identify the responsible person because the O and M manual is attached to the property by covenant or HOA lot owners by the recorded plat for subdivisions. The new long-term funding mechanism language should be removed because it is impossible to do. We ask applicants to make a maintenance cost estimate though. Maintenance compliance is through technical assistance and if need be, code enforcement.	Rod Swason Clark Co.
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Utility projects. The draft language adds a requirement for utility projects to prepare a MR #1 Stormwater Site Plan without describing why in the fact sheet. Since the 2007 permit, a MR #2 SWPPP for sediment and erosion control has been sufficient.	Rod Swason Clark Co.
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Definitions: The bioretention definition is modified for no apparent reason. It includes vague reference to the area treated by the bioretention facilities without description in the fact sheet.	Rod Swason Clark Co.
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Definitions; PGIS roofs: (such as restaurants or processing facilities where oils and other material that can settle on roofs solid particles are expected to be expelled),	Rod Swason Clark Co.
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	Definitions: Replaced hard and impervious surfaces: Not sure why the words "and replacement of" surfaces are removed?	Rod Swason Clark Co.
MS4 Permit: Appendix 1 (Phase I and Western Phase II)	MR #2 elements: Clark County agrees, these should be in Volume II.	Rod Swason Clark Co.
MS4 Permit: Mapping	Clark County did not measure outfall size for ditches, consequently nominal diameter is not recorded in the GIS . They are assumed to be >24 inches.	Rod Swason Clark Co.
MS4 Permit: Mapping	Outfall attributes spreadsheet. Separate pipes and ditches because they are so different from each other.	Rod Swason Clark Co.
MS4 Permit: Mapping	Outfall attributes spreadsheet. Perhaps vertical location data is not needed because: 1) it is likely not collected and 2) another data set (topographic elevation) is used to associate an elevation with each outfall location, making the data redundant.	Rod Swason Clark Co.

MS4 Permit: Mapping	Provide a method to revise data submitted to Ecology to correct errors.	Rod Swason Clark Co.
MS4 Permit: PCBs	There are already laws to deal with hazardous materials in the environment. A good example is lead in paint in/on structures older than 50 years. The permit should not have special requirements to individually address each toxic compound or element in building materials. Maybe an implementable standard is to prevent particulate debris produced by building cleaning and demolition from entering the MS4.	Rod Swason Clark Co.
MS4 Permit: Sweeping	Make it clear that residential subdivision roads (local access roads) only need to be swept once per year and that it does not matter when it is. In practical terms, residential areas (local access roads) should be swept to clean up dropped leaves during late fall.	Rod Swason Clark Co.
MS4 Permit: Sweeping	There should be a definition of a high-AADT roadway in the sweeping requirements.	Rod Swason Clark Co.
MS4 Permit: Sweeping	Is Ecology going to ask for the documentation listed in the sweeping program description? In the 2019 permit, permittees are required to create documents but there are separate requirements in Appendix 3 to submit them. If Ecology plans to ask for a sweeping program description in an annual report, the submittal requirement should be noted in the S5 component requirements.	Rod Swason Clark Co.
MS4 Permit: Tree Retention	Clark County's Comprehensive Growth Management Plan recognizes the importance of critical area regulations for maintaining tree cover. Cities and counties have vegetation retention standards under GMA critical areas requirements. These include riparian areas, wetlands, potentially unstable slopes, erosion hazard areas, and WDFW high priority habitats. Critical areas regulations generally make development projects avoid clearing and developing forested critical areas, which are usually not draining to the MS4. The state Shoreline Management Program preserves riparian habitat along streams with an average flow of greater than 20 cfs.	Rod Swason Clark Co.

MS4 Permit: Tree Retention	The Preliminary draft information notes that there are sources of data to document tree canopy at the watershed scale. Watershed-scale tree canopy data is of interest to numerous state, federal and local resource management organizations. Perhaps, rather than having individual municipalities perform canopy cover assessment under the stormwater permit, it should be performed at the regional level by a state agency or regional agency such as the Lower Columbia Fish Recovery Board. If the work is left to the permittees, Ecology should provide standards for canopy mapping to have uniform results across multiple permit areas in shared watersheds.	Rod Swason Clark Co.
MS4 Permit: Tree Retention	The permit is for the MS4. It may go beyond the scope of the MS4 permit to require mapping of any feature in areas not connected to the MS4, which can be very large for phase I counties.	Rod Swason Clark Co.
MS4 Permit: Tree Retention	If canopy mapping is in the permit, it should be a monitoring activity under S8 with a pay-in option for a SAM project to map canopy regionally. It is possible that some municipalities have detailed tree inventories and could use their inventory program to meet the monitoring requirement.	Rod Swason Clark Co.
MS4 Permit: Tree Retention	The permit should not ask the permittee to document changes with time in a single permit term. Trend analysis should be performed once during a permit term (first one in the 2029 permit) and take into consideration the need for comparable data and analysis over multiple permit terms to be of value for the stated purpose of monitoring change. A multi-permit-term canopy trend analysis needs a quality assurance project plan to succeed at meeting its objectives.	Rod Swason Clark Co.
MS4 Permit: Tree Retention	Placing a requirement for municipal tree canopy retention standards in a stormwater permit is not appropriate. Municipalities have environmental goals in their comprehensive growth management plans. The permit should be about managing the MS4 to reduce pollutants to the MEP, meet AKART and comply with water quality standards, not setting community standards for tree canopy.	Rod Swason Clark Co.
MS4 Permit: Tree Retention	If Ecology considers adding permit language on tree retention requirements for development projects beyond current GMA and Shoreline requirements, it should evaluate the legality of requiring permittees to regulate tree retention for development projects that do not discharge to the MS4.	Rod Swason Clark Co.

MS4 Permit: Tree Retention

Consider that phase I counties generally have programs to acquire and preserve forested lands as open space and have programs to manage county-owned forest lands.

Rod Swason Clark Co.