




Memorandum

DATE: March 20, 2023

TO: Abbey Stockwell,
Department of Ecology, Phase II Municipal Stormwater Permit Writer

FROM: Zachary Richardson, PE
City of Shoreline Surface Water Engineer II 

RE: Early Draft of Stormwater Management for Priority Developed Areas

Thank you for the opportunity to provide comments on the early draft of the Stormwater Management for Priority Developed Areas (SWMPDA). We believe a reasonable balance has likely been found based on our understanding during the workshops, but we encourage some specific clarifications and minor tweaks in the final language to ensure the permit language protect a few keys aspects as we understand them.

Having reviewed Appendix 12 in greater detail (previously did not apply to Phase 2 permittees), we believe some minor clarifications are needed to ensure consistent application of the scoring criteria. Most of the **concern comes from the current use of “SSC” within Appendix 12**, given that “SSC” is now a Phase 1 specific program and that multipliers may be modified in the current permit update, or in future permit updates. Re-labelling Appendix 12 and its contents, or re-labeling the new Phase 2 requirement to match, may be the most efficient way to address this concern. We note the following potential needs for clarification:

- Clarify if Phase 2 permittees are intended to use the same project list template provided (i.e., Table 1).
 - Ensure “equivalent treatment” areas for various treatment types can continue to be cumulative, so that total project area treated is the sum of flow control plus water quality plus LID impacts.
- Better align, or fully separate and clarify, the “60% design” language in the “Status” section with the “fully funded” language in the Phase 2 permit.
- Clarify how/if the “SSC point multipliers” apply (Right column of Table 3) to the final reported treatment areas for Phase 2 permittees.

- Several project types appear to get their treatment area credit calculations directly from Table 3, rather than equivalent development calculations (i.e., restoration, land acquisition, floodplain reconnection, etc); clarify how these project types calculate credit if SSC multipliers do *not* apply.
- Clarify how the multipliers listed in the notes below Table 3 (overburden community, priority basin, etc), apply for Phase 2 permittees when reporting final treatment areas.
- Add an additional step to “equivalent development area” calculation to subtract out project required treatment areas (i.e., new plus replaced surface if the project requires mitigation for its own impacts).

Allowing for the equivalent treatment areas to be cumulative is critical to incentivize the best project approaches for receiving water benefits. Without this cumulative benefit to local agencies, it is likely that large, end-of-pipe, detention-only vaults would become the most cost-feasible retrofit options. Cumulative benefits, or significant weighting toward green stormwater infrastructure, should remain through all future iterations of the program.

We believe it is important to clarify, as we understood it from the workshop, that the **projects need not be a standalone drainage-specific retrofit projects** but could be additional mitigations above the minimum mitigations a project is required to provide in compliance with Permit Appendix A or SWMMWW. This is an extremely cost-effective tool for local agencies to meet the permit requirement for treatment areas. Surface water staff can limit the amount of surface water utility funding needed for mitigation benefits if we are able work within already funded CIP projects.

The ability to work within existing CIP projects is also a critical tool in meeting permit timelines. Shoreline’s previous planning efforts have already been seeking maximize retrofit opportunities sufficiently to make current permit timelines *likely* feasible by capitalizing on partially planned projects. However, we recognize that the typical long-term planning needed to create, assess, prioritize, budget, and fully develop *new* projects for meeting the required treatment area would likely be beyond current permit timeline requests.

The permit timeline may also be helped if Ecology considered extending **the opening year credit to ‘all projects that began construction in 2023.’** July is not a typical construction start date and this date may encourage projects to withhold construction during ideal dry periods. While not a recommended practice and not necessarily the role of the Permit either way, the July date *may* encourage more wet-season construction, leading to greater TESC challenges and BMP construction challenges.

We would encourage the **inclusion of a treatment “banking” provision** which would allow treatment in excess of any given permit cycle’s requirement, to be credited for meeting future permit cycle requirements. Without a banking clause, jurisdictions may need to reduce project scopes, at the sacrifice of mitigation achieved, in order to ensure adequate funding is available to meet minimum requirements in the *future* permit cycles. Allowing banking of treatment areas for future permit cycles, frees jurisdictions to

maximize existing opportunities to their fullest and gain the greatest benefit to receiving waters.

Depending on how Ecology intends the multipliers in Appendix 12 to apply to Phase 2 permittees, we would encourage the inclusion of a more **quantifiable link to the SMAP document**. While the Phase 2 text speaks heavily to linkage with the SMAP, the actual Phase 2 language appears to lack any quantifiable benefit for such linkage. We appreciate the flexibility offered by allowing Phase 2 permittees to also implement “opportunistic stormwater controls” and would not want to see this option removed or diminished. However, we would suggest as additional incentivization for SMAP listed actions, an “amplifying” multiplier be added for projects within the SMAP and/or priority basin (even if other SSC multipliers are not retained).

Lastly, we would suggest **further definition of “fully funded”** as it pertains to unconstructed projects being included for treatment area credit. This term could have a vastly different interpretations across jurisdictions and, actually varies from the “60% design” language currently in Appendix 12 for the SSC program. We would suggest Ecology’s expectations be made more clear as to the minimum requirements for credit.

We thank you again for the opportunity to comment and be included in SWMMWW development so early in the process. We appreciate the collaborative approach and look forward to the final results!