

Agency/Org: Thurston County

RE: Western Washington Phase II Municipal Stormwater Permit's proposal for Stormwater Management for Priority Developed Areas (SMPDA)

Date: March 23, 2023

Thurston County offers the following recommendations for Department of Ecology's (Ecology) consideration.

1. The County supports including compliance pathways to allow the option to leverage implementation of the actions contained in a jurisdiction's SMAP as well as take advantage of *opportunistic stormwater controls*. The *opportunistic* pathway adds agility to address emerging needs and capitalize on unforeseen opportunities.
2. The County supports efforts to simplify the reporting and level of effort calculations, including the proposal to use total basin area for projects under an acre.
3. Ecology's review of the SMAP submittals provides an opportunity to establish additional SMAP-related qualifying project types (and corresponding acreage equivalencies) to account for SMAP actions not aligning with existing SSC project types. The County suggests Ecology develop a "equivalency calculator" (e.g., spreadsheet tool) that permittees can use to calculate level of effort acreage equivalents for Project Types beyond 1-4.
4. As a Phase II County, we recommend providing allowances for implementing projects outside the MS4 Permit's geographic scope so long as the receiving waters within the MS4 Permit coverage area benefits. This allowance should exist regardless of whether a collaborative arrangement exists with another permittee. Including this would support Phase II Counties in addressing stormwater management needs beyond the regulated area, including those benefiting underserved communities and supporting Tribal water resource interests.
5. Regarding the last bullet under *Non-Qualifying Project Types*, consider revising it to read:

Wetland restoration projects, ~~unless may qualify if existing degraded wetlands are designed to become treatment wetlands in accordance with the SMMWW.~~
6. The County supports removing barriers and providing incentives for jurisdictional collaborative stormwater management solutions. Rather than categorizing *watershed collaboration* as a standalone project type, we suggest collaboration take the form of an incentive multiplier applied collaborative efforts undertaken in the planning and implementation of qualifying project types. Similarly, the County supports providing an incentive multiplier for project types benefiting overburden communities and/or Tribal resources.

7. The County supports scaling the level of effort to address the variety of Phase II permittees covered by the Permit. However, the acres per population metric seems too crude. For example, it could result in oversized expectations for “bedroom” and high density residential development communities relative to less populated jurisdictions more dominated by commercial and industrial development. Similarly, a population-centric metric can fall short in gauging relative socio-economic disparities among permittees. As such, we encourage Ecology to utilize a more robust metric (or set of metrics).
8. Regarding 1.c., under *WWA Phase II Proposed level of effort*, please elaborate on what would constitute as *fully funded*. In addition, the County recommends revising the language to read:

Projects that have started construction on or after ~~June 30~~ January 1, 2023 and projects not yet started but fully funded by ~~June 30~~ July 31, 2029 can be included to meet this requirement.

This expanded window enhances support for the capital improvement project development and implementation cycle which, from conception to construction, can often extend beyond the typical five-year Permit cycle. Expanding the eligibility period also removes incentives to delay work until Permit reissuance.

9. Regarding 1.e., under *WWA Phase II Proposed level of effort*, clarify that this level of effort could be met through line cleaning or additional sweeping. Another approach would be to break these out into separate qualifying project types.
10. Include a provision that allows “level of effort banking”, in excess of the Permit’s requirement, to apply in future permit cycles to avoid unintendedly: 1) introducing disincentives in making investments in large scale and regional facilities, and 2) dissuade jurisdictions in pursuing episodic opportunities (e.g., funding, available land acquisitions, etc.) to accelerate project investments.