

**Snohomish County Comments on  
Ecology’s 2024 Permit and SWMMWW Formal Drafts  
(Issued August 16, 2023)**

#	Document	Section, Page and/or Paragraph #	Ecology Proposed or Modified Language	Comment	Snohomish County Proposed Language, if any
1.	Ph I Permit	S1.D	“D. Obtaining Coverage Under this Permit”	This proposed heading does not accurately describe the substantive content. “Meaning of ‘Permittee’” would be a more accurate heading for this section.	
2.	Ph I Permit	S2.B.2	The discharge is from emergency firefighting activities and does not involve PFAS-containing aqueous film-forming foams (AFFFs). After the emergency has ceased, non-stormwater discharges (e.g., discharges associated with cleanup) to the MS4 are prohibited. Determination of cessation of the emergency is at the discretion of the emergency on-scene coordinator.	The second sentence of S2.B.2 concerns non-stormwater discharges to the MS4. That sentence is more appropriately located in S5.C.9.b.i, which is where Ecology has already proposed to locate a similar statement. See S5.C.9.b.i.(m) of the Draft 2024 Permit. The statement about the discretion of the emergency on-scene coordinator should be added to draft S5.C.9.b.i.(m) and deleted here. See also Snohomish County’s comment on S5.C.9.b.i.(m).	The discharge is from emergency firefighting activities and does not involve PFAS-containing aqueous film-forming foams (AFFFs).
3.	Ph I Permit	S2.B.3	<p>The discharge is from emergency firefighting activities and involves PFAS-containing AFFFs, the following conditions apply:</p> <p>a. No later than December 31, 2026, the Permittee shall coordinate with firefighting agencies/departments that serve the areas that drain to the MS4 to develop a PFAS management plan which will implement measures to minimize discharges of PFAS via the MS4 during emergency firefighting activities. The Permittee is not expected to deploy control measures during an emergency. Permittee shall implement the PFAS management plan to minimize discharges of PFAS via the MS4 during post-emergency activities, including immediate clean-up in all situations where AFFFs have been used, diversions, and other measures that prevent discharges via the MS4.</p> <p>b. No later than December 31, 2027, the Permittee shall implement specific protocols for minimizing the resuspension, conveyance, and discharge of PFAS already in the MS4, both during</p>	<p>S2.B must clearly and concisely identify the authorized non-stormwater discharges from the MS4, and any condition(s) placed on the authorized discharge. Ecology’s draft permit language does not do these things. Snohomish County has proposed revisions to this section consistent with the below comments.</p> <p>According to the Fact Sheet at pg. 51, Ecology drafted this new language based on a review EPA guidance and the recent EPA-issued MS4 permit for Whidbey Island Naval Air Station and draft permit for Joint Base Lewis McChord. Phase I jurisdictions differ significantly from the permittees operating these federal facilities in many respects including their ability to control emergency firefighting activities and subsequent discharges to their MS4s. The conditions on the emergency firefighting discharges in S2.B as proposed do not sufficiently take this reality into consideration.</p> <p>The statement in 3.a. that a Permittee must coordinate on the development of a PFAS management plan with numerous firefighting agencies compromises a Permittee’s ability to ensure compliance with its permit. The County cannot force outside agencies to coordinate with it. The County’s ability to comply with its Permit cannot be dependent on the uncontrollable actions of a third party. The Permit must state actions that the Permittee can implement.</p> <p>Regarding the coordination process, a Permittee can attempt to coordinate with firefighting agencies but cannot ensure any outside agency participates or implements a plan discussed in the coordination. Given the fact that PFAS-containing AFFFs can no longer be legally purchased in Washington State, a useful and achievable outcome of coordination with firefighting agencies is to document the agencies/departments operating within a Permittee’s jurisdiction</p>	<p>The discharge is from emergency firefighting activities and involves PFAS-containing AFFFs, provided the Permittee meet the following conditions:</p> <p>a. No later than December 31, 2026, the Permittee shall attempt to coordinate with all firefighting agencies/departments that serve areas that drain to the MS4 to discuss management measures for PFAS-containing AFFFs. The Permittee is not responsible to ensure these agencies/departments participate in coordination.</p> <p>The Permittee shall document these coordination efforts, and the documentation shall include a list of all emergency fire-fighting agencies operating within the Permittee’s jurisdiction, and shall state, to the best of the Permittee’s knowledge, which agencies possess PFAS-containing AFFFs and which are using it.</p> <p>b. If any emergency firefighting agency is confirmed or suspected using PFAS-containing AFFFs within the Permittee’s jurisdiction after December 31, 2026, the Permittee shall develop and implement a PFAS management plan that describes</p>

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			normal operations and during all maintenance.	<p>that still possess PFAS-containing AFFFs, and of those agencies, which ones still use it. If the coordination effort finds that no agency is using PFAS-containing AFFFs, there is no need to have a “PFAS management plan” for emergency firefighting discharges.</p> <p>As written, the requirement in S2.B.3.a to “develop a PFAS management plan” is unclear and confusing for several reasons. First, it is unclear if the requirement is only to develop a plan, or to develop and implement a plan by the December 31, 2026 deadline. Second, the requirement is unclear as to what entity is supposed to be implementing the plan – is it the Permittee or the firefighting agency performing the activities resulting in the discharge? The requirement is first for a “PFAS management plan which will implement measures to minimize discharges of PFAS via the MS4 during emergency firefighting activities” but then also that the Permittee “implement the PFAS management plan to minimize discharges of PFAS via the MS4 during post-emergency activities.” The requirements of the “PFAS management plan” are unclear as to scope and entities responsible for its implementation. The requirement for the Permittee to develop and implement “PFAS management plan” must be clear and limited to those actions that are within the control of the Permittee. The County suggests that the requirement to develop and implement a PFAS management plan only be triggered when a Permittee confirms through a coordination process that there is a possibility for emergency firefighting discharges containing PFAS to occur after the December 31, 2026 coordination deadline.</p> <p>Similarly, the requirement that Permittees develop and implement a “PFAS management plan” should not direct the Permittee to perform specific actions or protocols as part of that plan. For example, a Permittee’s “PFAS management plan” may include the use of an environmental contractor to perform site assessment and cleanup. This is a standard practice for implementing the IDDE program under Special Condition S5.C.9 and should be an acceptable practice here.</p> <p>Finally, the condition in 3.b appears to go far beyond the scope of emergency firefighting discharges and is instead concerned with “normal operations” (normal operation of what?) and “all maintenance,” concepts and activities that are not defined and are unclear. Can Ecology provide examples of what would be “specific protocols for minimizing the resuspension, conveyance, and discharge of PFAS already in the MS4”? This condition is inappropriate in S2.B.3, which is specific to discharges associated with emergency firefighting. The County requests this vague and confusing condition be deleted.</p>	measures the Permittee will take to minimize discharges of PFAS to the MS4 associated with emergency firefighting activities, including activities after the emergency has ceased.

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4.	Ph I Permit	S2.E	Modified definition of “Indian Country”	S2.E cites as controlling the definition of “Indian Country” in 18 U.S.C. §1151. Ecology then proceeds to propose new permit language in S2.E that modifies the definition of “Indian Country” found in 18 U.S.C. §1151. Ecology’s proposal to alter the federal statutory definition and interpret federal case law through permit language is inappropriate. Ecology should retain the 2019 Permit version of S2.E, which simply cites to the definition of “Indian Country” in 18 USC. §1151.	Retain existing language.
5.	Ph I Permit	S3.B	“...one or more or their permit...”	Existing typo. The second “or” should be “of”.	“...one or more of their permit...”
6.	Ph I Permit	S4.F.3.a.ii	The capitalization of “Water Quality Standards” in S4.F.3.a.ii.	Ecology proposes to capitalize “Water Quality Standards” in this subsection but nowhere else throughout S4, where the term appears multiple times. Retain existing language.	
7.	Ph I Permit	S5.B.	Inclusion of “Stormwater Management Program Components” at the end of this paragraph.	Delete “Stormwater Management Program Components” at the end of this sub-section as a duplicate of subsection C. heading.	
8.	Ph I Permit	S5.C.2.a.i	Ongoing Mapping. Each Permittee shall maintain mapping data for the features listed below.  i. Known MS4 outfalls and known MS4 discharge points:  (a) Map outfall size and material, where known;	Formatting. Do not include a subsection (a) without a subsection (b). Add the text from (a) as a second sentence to i. Revert back to periods (from proposed semi colons) after each feature listed in S.5.C.2.a.  See comment on S5.C.2.b.i below.	i. Known MS4 outfalls and known MS4 discharge points. Include outfall size and material, where known.
9.	Ph I Permit	S5.C.2.a.viii	All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007; and; <sup>2</sup>	Formatting. Remove semicolons and the word “and”.	All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007. <sup>2</sup>
10.	Ph I Permit	S5.C.2.b.i	No later than March 31, 2026, Permittees shall submit locations of all known MS4 outfalls according to the standard templates provided in the Annual Report. This reporting shall include the size and material of the outfalls.	This does not appear to be a new mapping requirement, but rather a new reporting requirement for the mapping described in S5.C.a.i. See Appendix 3, question 7 of the Annual Report reporting form, which identifies this as a reporting of S5.C.2.a.i mapping data and provides template options. To avoid confusion, Ecology should consider stating this reporting requirement as part of S5.C.2.a.i. Add “where known” for reporting the size and material of the outfalls, for consistency with S.5.C.2.a.i.	S5.C.2.a.i. Known MS4 outfalls and known MS4 discharge points. Include outfall size and material, where known. No later than March 31, 2026, Permittees shall submit locations of all known MS4 outfalls as part of the Annual Report using one of the standard templates provided in Appendix 3, Question 7. This reporting shall include the size and material of the outfalls, where known.

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					[Delete S5.C.2.b.i and renumber remaining sections]
11.	Ph I Permit	S5.C.2.b.ii	No later than December 31, 2027, develop a methodology to map and assess acreage of MS4 tributary basins to outfalls or discharge points that have stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee. Submit with the Annual Report a map and breakdown of acres managed or unmanaged by stormwater treatment and flow control BMPs/facilities.	<p>This requirement contains unclear and vague language. First, the meaning of “assess acreage” is unclear. For example, does Ecology have accuracy requirements for the boundary delineations of “the MS4 tributary basins to outfalls or discharge points”? Recommend at a minimum replacing “assess” with “quantify.”</p> <p>Second, the phrase “that have stormwater treatment and flow control BMPs/facilities” is unclear as to the meaning of the word “have.” Suggest replacing “have” with “directly connect to” to provide clarity and consistency for this requirement.</p> <p>Third, the meaning of the term “managed or unmanaged” is unclear. Does Ecology intend it to have the same meaning as “treated or untreated”?</p> <p>Finally, the requirement does not specify when Permittees are required to submit the map and data obtained using the methodology, only that it be submitted “with the Annual Report.” Snohomish County requests the permit language specify the submittal is with the Annual Report due in March 2029 to allow Permittees sufficient time to implement the methodology required to be developed by December 31, 2027.</p>	No later than December 31, 2027, develop a methodology to map and quantify the acreage of MS4 tributary basins to those outfalls or discharge points that directly connect to stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee. Submit with the March 2029 Annual Report a map and breakdown of acres managed and unmanaged by stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee.
12.	Ph I Permit	S5.C.2.b.iv	No later than December 31, 2028, begin mapping of Permittee-owned or operated properties with tree canopy based on available, existing data.	<p>This requirement to map tree canopy on Permittee owned or operated properties is not clearly tied to the MS4 and Snohomish County questions Ecology’s legal authority to require mapping that does not relate to the MS4 or discharges from the MS4 regulated by the Permit. Substantively, nearly every aspect of this requirement is either vague and will result in confusion as to what is required, or otherwise problematic for implementation. If Ecology retains this requirement, it must be clarified and narrowed as described in this comment and proposed revisions.</p> <p>First, as currently phased, it is not clear whether the purpose of the requirement is to simply map certain properties that contain tree canopy or map the tree canopy that exists on certain properties. The County assumes Ecology intends the later and the obligation is to map the tree canopy on properties.</p> <p>Secondly, it is not clear what is meant by “tree canopy.” Is there a size threshold for when a tree should be mapped, such as tree height or trunk diameter? Does Ecology expect tree canopy mapping to consist of data points to include tree height and diameter information, or polygons that reflect the tree extends? What does Ecology consider “available and existing data”? The Fact Sheet at page 72 states “There are several sources of accurate and</p>	No later than December 31, 2028, Permittee shall begin mapping the tree canopy on Permittee-owned properties in Urban Growth Areas based on available, existing data. Permittees are not required to map trees that are subject to removal based on federal, state, or local regulations, or standards required by this Permit.

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				<p>available data sources to document tree canopy which may be useful.” What are these sources? The lack of a clear definition of the “tree canopy” to be mapped may also result in Permittees including trees that are required to be removed under other existing regulations. For example, “volunteer” trees in County-owned stormwater facilities may require removal consistent with MS4 permit maintenance standards, and other trees such as the “Tree of Heaven” are listed in noxious weed regulations requiring their removal. Ecology should not put Permittees in a position to map something that other regulations require to be removed.</p> <p>Third, the scope of tree canopy mapping as applied to Permittee-owned and operated properties is problematic. The requirement should only be applied to Permittee-owned properties, and not properties “operated” by the Permittee. The term “operated” is not defined in the Permit and its meaning is unclear and potentially far too broad to be legal, reasonable, or practicable in this context. The County has numerous easements on private properties throughout the County for various purposes, some of which may have no connection to the MS4. It is not appropriate for Ecology to burden the County with mapping tree canopy on private properties where the County may only have some limited interest. The County strongly recommends limiting proposed S5.C.2.b.iv to mapping tree canopy on Permittee-owned property. Finally, the County recommends that the tree canopy mapping obligation be required only on County-owned property within Urban Growth Areas. In the context of the MS4 Permit, the increasing considerations of tree retention and the benefits of tree canopy are to a great degree an urban issue and the focus should be there.</p>	
13.	Ph I Permit	S5.C.5.a	<p>a. Each Permittee shall continue to implement existing programs approved under the 2019 Phase I Municipal Stormwater Permit until the program required in S5.C.5.b.iv applies. The program required in S5.C.5.b.iv applies to applications submitted<sup>3</sup>:</p> <p>i. On or after July 1, 2026</p> <p>ii. Prior to July 1, 2021, that have not started construction by July 1, 2026.</p> <p>iii. Prior to July 1, 2021, that have not started construction by July 1, 2026.<sup>4</sup></p>	<p>Please delete the following text: “i. On or after July 1, 2026. ii. Prior to July 1, 2021, that have not started construction by July 1,2026.” The first sentence to delete has never been used in the Permit and is incorrect, because each permittee’s program will apply in relation to the date it becomes effective, which may be on a date even earlier than July 1, 2026. The second sentence to delete is apparently a typographical error; it repeats the sentence that comes next.</p> <p>In addition, the following text should also be deleted: “iv. Prior to July 1, 2026, that have not started construction by July 1, 2031.” The actionable date in that sentence is in a future permit term and so has no relevance in this 2024 Permit. If Ecology does not delete the subsection iv. text, it should be clarified by adding the following text to final sentence: iv (proposed ii): “Prior to July 1, 2026, <u>but on or after July 1, 2021</u>, that have not started construction by July 1, 2031.” This is needed because “Prior to July 1, 2021” is also prior to “July 1, 2026”, and not as clear as could be regarding which started construction</p>	<p>a. Each Permittee shall continue to implement existing programs approved under the 2019 Phase I Municipal Stormwater Permit until the program required in S5.C.5.b.iv applies. The program required in S5.C.5.b.iv applies to applications submitted<sup>3</sup>:</p> <p>i. Prior to July 1, 2021, that have not started construction by July 1, 2026.<sup>4</sup></p> <p>ii. Prior to July 1, 2026, but on or after July 1, 2021, that have not started construction by July 1, 2031.</p>

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			iv. Prior to July 1, 2026, that have not started construction by July 1, 2031.	date applies to trigger the application of the 2026 regulations. For example, a project subject to 2020 regulations would fit under either subsection, since it is prior to both 2021 and 2026.  Please note that an earlier version of this set of provisions was addressed by a 2016 Washington Supreme Court ruling.	
14.	Ph I Permit	S5.C.5.b.iv	Adopting a local program, circumstances beyond the Permittee’s control; formatting existing language	Formatting existing language. Do not include a subsection (a) without a subsection (b). Keep the text in proposed (a) as part of iv. or make proposed (a) into a new v. and renumber.	
15.	Ph I Permit	S5.C.6.c.i	Low Impact Development (LID) code-related requirements; formatting existing language	Formatting existing language. Ecology proposes to add new language as S5.C.6.c.ii (re: tree canopy goals and policies) and reformat existing language in S5.C.6.c as S5.C.6.c.i and S5.C.6.C.i.(a). Do not include a subsection (a) without a subsection (b). Keep the text in proposed (a) as a part of i. or make a new ii. and renumber.	
16.	Ph I Permit	S5.C.6.d.ii.(d)	Identified actions shall support other specifically identified stormwater management strategies and actions for the basin overall, or for the catchment area in particular. <u>Include a description of the stormwater facility retrofits needed for the area, including the BMP types and preferred locations and projects to address transportation related runoff, such as tire wear pollutants.</u>	Ecology’s proposed language is too limiting. The use of “stormwater facility retrofits” suggests that other non-capital BMP or programs (such as education and outreach) are not to be included to address transportation related runoff. The County recommends removing the BMP limitation to structural facilities.  In addition, the County notes that Ecology has not approved BMPs specifically for “tire wear pollutants” and has not proposed any BMPs for “tire wear pollutants” for approval in the draft 2024 SWMMWW. The existing BMPs in the SWMMWW for “transportation-related runoff” are those for enhanced treatment and/or petroleum treatment. If Ecology intends the existing scope of BMPs to be adequate for the purpose stated in draft S5.C.6.d, Ecology should specifically state that in either the permit or the SWMMWW. Alternatively, Ecology must approve additional BMPs for this purpose if it intends permittees to consider additional BMPs.	Identified actions shall support other specifically identified stormwater management strategies and actions for the basin overall, or for the catchment area in particular. Include a description of the stormwater BMP types and preferred locations and projects to address transportation related runoff, such as tire wear pollutants.
17.	Ph I Permit	S5.C.7.a.ii.		Punctuation. Insert periods after each subsection in S5.C.7.a.ii.	
18.	Ph I Permit	S5.C.7.a.iv.		Typo. “planned isn advance” should be “planned in advance”	
19.	Ph I Permit	S5.C.7.d	No later than December 31, 2027, each Permittee shall achieve 750 SMED Program Points. This may include projects started after December 31, 2022.	The phrase “projects started” is imprecise phrasing and could lead to confusion because it is not clear what it means to start a project in this context. Based on discussions with Ecology, the County understands this sentence to mean that if a project reaches a state at which points can be accrued after December 31, 2022, those points can be applied to SMED program	No later than December 31, 2027, each Permittee shall achieve 750 SMED Program Points. SMED Program Points may include those points accrued for projects after December 31, 2022, based on the scoring process for the SMED Program. SMED

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				<p>compliance in accordance with the scoring process in Appendix 12 of the 2024 Permit. Examples of such project 'states' include:</p> <ul style="list-style-type: none"> <li>• 60% design or completion of projects other than line cleaning, sweeping, property acquisition, and watershed collaboration</li> <li>• performance of line cleaning or sweeping that would accrue points per Appendix 12, and</li> <li>• completion of the legal / documentary process for property acquisition or watershed collaboration.</li> </ul> <p>The proposed revision clarifies this intent.</p>	<p>Program Points shall be calculated per Appendix 12 as follows:...</p>
20.	Ph I Permit	S5.C.7.d.iv	<p>A minimum of 300 Program Points is required for complete or maintenance stage projects, additional points for complete or maintenance stage projects may substitute for design-stage points.</p>	<p>Modify for consistency with S5.C.7.d.iii and for clarity. The County understands that points earned under the 2019 Permit after December 31, 2022, can count toward the required complete/maintenance stage points and supports this allowance.</p>	<p>A minimum of 300 of the 750 SMED Program Points shall be achieved with complete or maintenance stage projects. Additional Program Points for complete or maintenance stage projects may substitute for design-stage Program Points.</p>
21.	Ph I Permit	S5.C.8.a		<p>Formatting. Do not include a subsection (a) without a subsection (b). Re-number or re-format to avoid.</p>	
22.	Ph I Permit	S5.C.8.a	<p>Permittees shall enforce ordinance(s), or other enforceable documents requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities.</p> <p>Permittees shall enforce ordinance(s), or other enforceable documents, as necessary to meet the requirements of this Section . . .</p>	<p>Ecology proposes to modify the second paragraph in a way that simply makes it duplicative of the first paragraph. Delete duplicative language.</p>	
23.	Ph I Permit	S5.C.8.a.iii.(e)	<p>Application and enforcement of local ordinances at sites, identified pursuant to S5.C.8.a.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this Permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered,</p>	<p>The placement of this paragraph under discussion of progressive enforcement and the phrasing of it is odd. The first sentence is language proposed to be deleted from current S5.C.8.a.iii that introduces the idea that enforcement of local ordinance will be required, but it doesn't provide specificity and does not add any relevant detail to the progressive enforcement discussion. That sentence should be deleted.</p>	<p>Permittees that are in compliance with the terms of this Permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.</p>

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			or which should be covered under an NPDES permit issued by Ecology.		
24.	Ph I Permit	S5.C.9	The SWMP shall include an ongoing program designed to <u>prohibit non-stormwater discharges</u> , prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges into the MS4	New underlined language creates confusion because the permit includes exceptions for allowable and conditionally allowable non-stormwater discharges. Ecology’s proposed addition of the phrase “prohibit non-stormwater discharges” is inconsistent with S2.B and S5.C.9.b.  Retain the 2019 Permit language.	
25.	Ph I Permit	S5.C.9.b.	. . . The Permittee’s ordinance or other regulatory mechanism in effect as of the effective date of this Permit shall be revised, if necessary, to meet the requirements of this Section no later than July 1, 2027.	Grammar – delete “Permittee’s” in “Permittee’s ordinance” as unnecessary.	The ordinance or other regulatory mechanism in effect as of the effective date of this Permit shall be revised, if necessary, to meet the requirements of this Section no later than July 1, 2027.
26.	Ph I Permit	S5.C.9.b.i.(m)	(m) Non-stormwater discharges from emergency firefighting activities in accordance with S2 – Authorized <i>Discharges</i> . After the emergency has ceased, non-stormwater discharges (e.g., discharges associated with cleanup) to the MS4 are prohibited.	Formatting: Italicize “Authorized Discharges”  Relocate language in S2.B.2 concerning the end of emergency firefighting activities as determined by the on-scene coordinator to this subsection addressing allowable emergency firefighting discharges to the MS4.  See also County comments on S2.B above.	(m) Non-stormwater discharges from emergency firefighting activities in accordance with S2 – <i>Authorized Discharges</i> . After the emergency has ceased, as determined by the emergency on-scene coordinator, non-stormwater discharges (e.g., discharges associated with cleanup) to the MS4 are prohibited.
27.	Ph I Permit	S5.C.9.b.ii.(c)	(c) Discharges from swimming pool, spa, and hot tub. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less; pH-adjusted; and reoxygenated if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.	Punctuation or missing punctuation results in unclear requirements. What is the phrase “if necessary” intended to modify? Should the sentence read as follows:  “The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less; pH-adjusted; <del>and</del> reoxygenated, if necessary; <u>and</u> volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.”	Revise punctuation placement for clarity.
28.	Ph I Permit	S5.C.9.b.ii.(d)	Street and sidewalk wash water, water used to control dust that does not use detergents.	Delete comma and add “and” because this section is referring to two things instead of three.	Street and sidewalk wash water and water used to control dust that does not use detergents.



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29.	Ph I Permit	S5.C.9.b.ii.(e)	<p>Routine external building washdown that does not use detergents for buildings built before 1950 and after 1980. The Permittee shall reduce these discharges through, at a minimum, public education activities or water conservation efforts, or both. To avoid washing pollutants into the MS4, Permittees shall minimize the amount of wash water used.</p> <p>Commercial, industrial, and multi-story residential structures constructed or remodeled between 1950 and 1980 (i.e. those most likely to have PCB containing materials), shall be assessed for PCB-containing materials consistent with How to find and address PCBs in building materials (Ecology, October 2022, Publication No. 22-04-024), prior to routine building washdown. Single-family residential buildings are exempt from PCD assessment. Structures built between 1950-1980 and determined to be without PCB-containing materials may conduct routine building washdown (without detergents) as described above. Structures confirmed or suspected to have PCB-containing materials shall not discharge washdown to the MS4.</p>	<p>This requirement is imprecisely drafted and should be revised to address the following issues. First, this requirement should be revised to clarify that it is applicable to the general public consistent with the purpose of S5.C.9.b.ii.to identify conditionally allowed discharges to the MS4 that the Permittee may allow in its jurisdiction. As drafted, the requirement focuses on the actions of the Permittee itself, which is erroneous (compare subsection (e) to subsection (b)).</p> <p>Second, the statement in the first paragraph that “Permittee reduce discharges through, at a minimum public education activities or water conservation efforts” is better placed in S5.C.11. However, if the requirement remains in this section, water conservation efforts as a standard applicable to routine building washdown must be clarified to be a component of public education efforts. Snohomish County is not a municipal water purveyor and cannot control the amount of water individuals chose to use to perform routine external building washdown on private property.</p> <p>Finally, this requirement must specify that the building owner must be responsible for assessing for PCB-containing material prior to performing routine external building washdown.</p> <p>Please see the recommended revision to address these comments.</p>	<p>Routine external building washdown that does not use detergents for buildings: (i) built before 1950 (and not remodeled between 1950 and 1980), (ii) built after 1980, or (iii) built or remodeled between 1950 and 1980 and confirmed by the building owner after assessment consistent with <i>How to find and address PCBs in building material</i> (Ecology, October 2022, Publication No. 22-04-024) to be without PCB-containing materials, except that single-family residential buildings are exempt from the PCB assessment requirement. These discharges shall be minimized through, at a minimum, public education activities that include water conservation efforts (see S5.C.11). Routine external building washdown of structures that the owner has confirmed or suspects through assessment with Publication No. 22-04-024 to have PCB-containing materials are not an allowed discharge to the MS4.</p>
30.	Ph I Permit	S5.C.9.d	Each Permittee shall implement an ongoing program designed to address illicit discharges, including spills and illicit connections, into the Permittee’s MS4.	<p>No new edits proposed.</p> <p>Correct comma placement – move comma after “connections” and place it after “spills” to make clear that spills are a type of illicit discharge and that illicit connection is separate rather than a subset of illicit discharge.</p>	Each Permittee shall implement an ongoing program designed to address illicit discharges, including spills, and illicit connections into the Permittee’s MS4.
31.	Ph I Permit	S5.C.9.g	Recordkeeping: . . . In the Annual Report, each Permittee shall submit data for all of the illicit discharges, spills, and illicit connections, including those that were found by, reported to, or investigated by	Reference to spills as a subset of illicit discharge for consistency with the rest of the section.	Recordkeeping: . . . In the Annual Report, each Permittee shall submit data for all of the illicit discharges, <u>including</u> spills, and illicit connections, including those that were found by, reported to, or investigated by the

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			the Permittee during the previous calendar year. . . .		Permittee during the previous calendar year. . . .
32.	Ph I Permit	S5.C.10.a	No later than July 1, 2027 <sup>8</sup> each Permittee shall update their maintenance standards as necessary to meet the requirements in this Section.	The date appears to be a typographical error. In prior permits, the deadline to update maintenance standards was the same deadline as the adoption of the S5.C.5.b.iv program, which in the draft 2024 Permit is July 1, 2026, not July 1, 2027. The Fact Sheet at p. 80 states that "...Ecology sets a deadline for cities and counties to update maintenance standards to be consistent with those in the SWMMWW/SWMMEW. The proposed deadline is the same as the schedule for adoption of proposed site and subdivision requirements in the Controlling Runoff sections of the relative Permits." This July 1, 2027, deadline is not consistent with what Ecology stated it intended in the Fact Sheet or with past practice.	
33.	Ph I Permit	S5.C.10.b.iv	If deemed necessary for post-construction access, the ordinance or other regulatory mechanism may, in lieu of requiring that continued access be granted to the Permittee's staff or qualified personnel, instead require private property owners to provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.	This requirement is unclear and confusing. It is unclear why a Permittee must deem something necessary for post-construction access in order to include this option in its regulations and what it means to deem that something necessary. Recommend deleting this introductory phrase from this option.  It is also unclear what Permittees' inspection obligations under S5.C.10.b are if Permittees allow for this option in their regulations. For example, if the County allows private property owners to provide annual certifications under S5.C.10.b.iv, and owners provide those annual certifications, is the County then no longer required to inspect those properties under S5.C.10.b.ii? The County suggests edits to this language clarifying private property owners are responsible for both annual inspections and maintenance of regulated stormwater treatment and flow control BMPs/facilities on their property.	The ordinance or other regulatory mechanism may, in lieu of requiring that continued access be granted to the Permittee's staff or qualified personnel, instead require private property owners to provide annual certification by a qualified third party that inspection and adequate maintenance has been performed and the facilities are operating as designed to protect water quality.
34.	Ph I Permit	S5.C.10.d.i	Addition of "by December 31,"	Why is Ecology proposing this addition? It is not consistently proposed in S5.C.10 and it has never been necessary in past versions of the Permit.	Retain existing language.
35.	Ph I Permit	S5.C.10.e.xi.	Application of fertilizers, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides using alternatives that minimize environmental impacts.	Grammar - Missing "and" between "pesticides" and "using." Also, period is added after activity in xi. but not for any other activity listed. Include periods after each subsection in S5.C.10.e for consistency.	Application of fertilizers, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides <u>and</u> using alternatives that minimize environmental impacts.
36.	Ph I Permit	S5.C.10.e.xv.	Building exterior cleaning and maintenance  a. For Permittee-owned buildings built or renovated between 1950-1980, update policies, practices, or procedures to include Source Control BMPs to	Formatting. Existing .xv proposes to add additional language as a subsection (a) without additional subsections. Do not include a subsection (a) if there is not going to be a subsection (b). Reformat to avoid.  Typo. "is the structure is confirmed" should be "if the structure is confirmed."  The requirement prohibiting washdown of structures conformed/suspected to have PCBs to the MS4 should be clarified for Permittee-owned properties so	Building exterior cleaning and maintenance. For Permittee-owned buildings built or renovated between 1950 and 1980, the policies, practices, or procedures shall include source control BMPs to minimize PCBs from entering the MS4. If a building is confirmed or suspected to have PCB-

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			minimize PCB’s from entering the MS4. Permittees shall not discharge washdown to the MS4 if the structure is confirmed or suspected to have PCB-containing materials.	the prohibition for the discharge is to be the MS4 <i>outside of the property line for the structure</i> . The MS4 extends inside County property. As written, the requirement could be interpreted to prevent the County from deploying certain source control BMPs in the MS4 on the County property where the building is situated before the wash water leaves the property.	contaminating materials, Permittees shall not discharge washdown to the MS4 located beyond the property line of the building.
37.	Ph I Permit	S5.C.10.e.xvi	Preparing Permittee-owned buildings for renovation or demolition  a. Update policies, practices, or procedures to include Source Control BMPs for building materials to prevent PCBs from entering the MS4 in preparation for and during demolition and renovations.	Formatting. New .xvi proposes to add additional language as a subsection (a) without additional subsections. Do not include a subsection (a) if there is not going to be a subsection (b). Reformat to avoid.  Revise requirement to be consistent with Source Control BMP use for building exterior cleaning and maintenance to minimize PCBs from entering the MS4.	Building renovation or demolition. For Permittee-owned buildings, the policies, practices, or procedures shall include source control BMPs for building materials to minimize PCBs from entering the MS4 during building demolition or renovation activities.
38.	Ph I Permit	S5.C.10.f.i	No later than July 1, 2027, develop and implement a municipal street sweeping program to target high priority areas and times during the year that would reasonably be expected to result in the maximum water quality benefits to receiving waters. The following program elements shall be included:  i. Apply street sweeping program to publicly owned roads in MS4 drainage areas that discharge to outfalls. Within those areas, sweep the following high priority areas, where applicable:  (a) High traffic roads, such as arterials.  (b) Accessible curb and gutter streets – permittees may need to implement parking restrictions or other effective methods to optimize pollutant removal.  (c) Areas with significant tire wear, e.g. roundabouts, high traffic intersections, municipal-operated parking lots.  (d) Areas with significant tree canopy with seasonal leaf litter drop.  (e) Municipal roads that serve commercial or industrial land use areas.	The scope of the municipal street sweeping program is unclear. S5.C.10.f states the program is to target “high priority areas.” But then S5.C.10.f.i states to apply to the program to “publicly owned roads in MS4 drainage areas that discharge to outfalls.” Then the next sentence in S5.C.10.f.i appears to define “high priority areas.” However, several of the listed “high priority areas” are not clearly linked to, and are broader than, the initial subset of “publicly owned roads” required to make up the street sweeping program area. Is the Permittee first required to identify all “publicly owned roads in MS4 drainage areas that discharge to outfalls” and then identify within those areas the “high priority areas”?  The County also recommends that the municipal street sweeping program focus on high priority areas on those publicly owned roads within UGAs.  With respect to the specific HPAs listed in S5.C.10.f.i:  <u>(c) Areas with significant tire wear, e.g. roundabouts, high traffic intersection, municipal-operated parking lots:</u> “Areas with significant tire wear” is undefined, imprecise and could lead to interpretation and implementation issues. The requirement provides several examples potential areas with significant tire wear, but there are no clear standards for how Permittees should make this determination. For example, what is Ecology’s basis for including municipal-operated parking lots as an area with significant tire wear? Many County-owned and operated parking lots are gravel. The County recommends this subsection be deleted as it is otherwise captured in (a), but if retained then revised as shown.  <u>(d) Areas with significant tree canopy with seasonal leaf litter drop:</u> The inclusion of the phrase “significant tree canopy” is confusing where Permittees are required to map tree canopy (with no reference to “significant”) in the	No later than July 1, 2027, develop and implement a municipal street sweeping program to target high priority areas and times during the year that would reasonably be expected to result in the maximum water quality benefits to receiving waters. The following program elements shall be included:  i. Apply street sweeping program to publicly owned roads within the UGA in MS4 drainage areas that discharge to outfalls. Within those areas, sweep the following high priority areas, where applicable and as determined by the Permittee:  (a) High traffic roads, such as arterials.  (b) Accessible curb and gutter streets. Permittee may need to implement parking restrictions or other effective methods to optimize pollutant removal.  (c) Areas with significant tire wear. Examples may include roundabouts, high traffic intersections, or municipal owned parking lots.  (d) Areas with significant seasonal leaf litter drop.

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			(f) MS4 basins that discharge to surface receiving waters that support salmonids.	<p>proposed new S5.C.2.b.iv. The County recommends removing reference to “tree canopy” to keep the focus on leaf litter (see recommended revisions). Finally, Ecology should clarify that sweeping HPAs identified because of their collection of seasonal leaf litter is appropriate and expected only during those times of the year when leaf litter is present (not every required sweeping occurrence).</p> <p><u>(e) Municipal roads that serve commercial or industrial land use areas:</u> The use of the word “serve” for this HPA is vague and could lead to interpretation and implementation issues. Many roads have some mixed use, meaning they serve both residential uses and commercial and/or industrial uses. See recommended revisions, which will allow Permittees to better focus sweeping efforts on this category of HPA.</p>	<p>(e) Road segments that serve predominantly commercial or industrial land uses.</p> <p>(f) Road segments in MS4 drainage areas that discharge to surface receiving waters that support salmonids.</p>
39.	Ph I Permit	S5.C.10.f.ii	ii. Sweep high priority areas at least quarterly and at least once between July and September each year as determined by the Permittee to provide additional water quality benefits. For calendar year 2027, only one sweeping event is required.	<p>Quarterly sweeping is too frequent given snow and ice operations that must occur in the winter, including sanding, and vactoring that occurs in the summer months. Winter months are not ideal for sweeping, especially when using high efficiency sweepers. The County recommends reducing the required frequency to twice a year, with at least one sweeping event to occur in the summer (between July and September) and the second to occur in the fall or the spring as determined by the Permittee based on climate and local conditions.</p> <p>Recommend revisions to the sentence structure to remove redundancy and clarify that one of the required sweeping occurrences must take place between July and September.</p> <p>Finally, as written, it is not clear whether each high priority area must be swept every quarter (or as proposed, twice a year), or that the sweeping must occur in high priority areas for the required number of occurrences to ensure that overall 90% of the high priority areas identified by the Permittee in their sweeping area are swept at least once annually. The County requests that Ecology revise the permit language to clarify the intent of the requirement is to sweep at least 90% (or as proposed, 70%) of identified HPAs at least once annually, and not 90% of the identified HPAs for each sweeping occurrence.</p> <p>See comment on S5.C.10.f.iii</p>	<p>Perform sweeping operations at least twice annually, and at least one of the sweeping events shall occur between July and September each year as determined by the Permittee to provide water quality benefits. For calendar year 2027, only one sweeping event is required. Beginning in 2028, Permittees shall perform sweeping operations so that at least 70% of the identified high priority areas within the MS4 drainage areas are swept at least once annually.</p> <p>[delete S5.C10.f.iii]</p>
40.	Ph I Permit	S5.C.10.f.ii.b	If a Permittees’ existing overall street sweeping program provides equivalent or greater street sweeping frequency relative to the requirements above, the Permittee may continue to implement its existing street sweeping program. Documentation	<p>Typo, misplaced apostrophe. “a Permittees’” should be “a Permittee’s.”</p> <p>The phrase “relative to the requirements above” is imprecise and unclear. For example, does the phrase “requirements above” refer to the identification of high priority areas in S5.C.10.f.i., but not the requirement in S5.C.10.f.iii. that Permittees sweep 90% of the HPA’s annually? Revise requirement to clarify what constitutes an equivalent program.</p>	If a Permittee’s existing street sweeping program is consistent with the requirements in S5.C.10.f.i.-v., the Permittee may continue to implement its existing street sweeping program. Documentation shall be

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			shall be certified in accordance with G19 – <i>Certification and Signature</i> .		certified in accordance with G19 – <i>Certification and Signature</i> .
41.	Ph I Permit	S5.C.10.f.iii	iii. Annually sweep at least 90% of high priority areas within the MS4 drainage areas.	The 90% threshold will be difficult to meet for those Permittees with substantial rural areas and extensive road networks. Ecology should acknowledge this reality as Permittee begin implementing a new O/M program and adjust the required annual sweeping threshold down to 70%.  The County also recommends moving this requirement to S5.C.10.f.ii	See proposed language for S5.C.10.f.ii
42.	Ph I Permit	S5.C.10.f.v	v. Permittee shall dispose of sweeper waste material in accordance with Appendix 6, Street Waste Disposal.	Delete “Permittee shall” for consistency with language/format in the other program requirements. Appendix 6 is applicable to the Permittee, is it necessary to state as a requirement here?	Dispose of sweeper waste material in accordance with Appendix 6, Street Waste Disposal.
43.	Ph I Permit	S5.C.11.a.	Each Permittee shall implement an education and outreach program. The program design shall be based on local or regional (or both) water quality information and priority audience characteristics to identify high priority audiences, subject areas, and/or BMPs.	The phrasing and location of the phrase “local or regional (or both)” is confusing. First, it is unclear whether “local or regional (or both)” is intended to modify only water quality information, or both water quality information and priority audience characteristics. The County believes it makes most sense for the phrase to modify water quality information. Second, as written the second sentence could be interpreted to require Permittees to review and assess both local and regional water quality information before designing an education and outreach program. The County suggests the following revision to make clear that the program must be based on water quality information and priority audience characteristics, but Permittees have the discretion to determine whether the water quality information used is local, regional, or both.  Some education and outreach campaigns within the Permittees’ education and outreach program will be locally based, while other campaigns will be conducted through participation within a regional group and implement the adopted elements of the regional program within the Permittee’s local jurisdiction. The County assumes it will not be required to specify which campaigns are based upon local versus regional information/characteristics.	Each Permittee shall implement an education and outreach program. The program design shall be based on water quality information, which may be local and/or regional, and priority audience characteristics to identify high priority audiences, subject areas, and/or BMPs.
44.	Ph I Permit	S5.C.11.a.ii And S5.C.11.a.ii(a)	<b>Behavior change:</b> To affect behavior change, Permittees shall select, at a minimum, one target audience and one BMP: <i>Priority Audiences:</i> Residents, landscapers, and property managers/owners, school age children, college/university, or trade students, and overburdened communities, and	Missed edit. Change “target audience” to “priority audience”  The use of conjunctions “and” and “or” within the list of priority audiences is confusing. See suggested revisions.	<b>Behavior change:</b> To affect behavior change, Permittees shall select, at a minimum, one priority audience and one BMP: <i>Priority audiences:</i> Residents, landscapers, property managers/owners, school age children, college/university students, trade students, overburdened communities, or

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			businesses (including home-based and mobile businesses).		businesses (including home-based and/or mobile businesses).
45.	Ph I Permit	S8.A.1		Typo. “S8.A2” should be “S8.A.2”.	
46.	Ph I Permit	S9.B	<p><b>Records Retention</b></p> <p>Each Permittee is required to keep all records related to this Permit and the SWMP for at least five years after the expiration date of this Permit</p>	<p>Snohomish County appreciates that Ecology has proposed to add the phrase “after the expiration date of this permit” to this requirement. However, the phrase “all records related to this Permit and the SWMP” has no workable limitations and places a significant administrative burden on Permittees. Without clarifying limitations on the records that must be retained, this requirement encompasses records with no clear value to Ecology or the public. For example, under this requirement, Permittees are obliged to retain not only every meeting invitation related to permit operations, but also every automatic out-of-office response to the invitation. These and many other such records are categorized as “transitory” by Washington State’s <i>Local Government Common Records Retention Schedule (CORE) Version 4.2 (August 2021)</i>, and local governments are not obliged to retain them. Further clarifying the permit language in Special Condition S9.B to exclude records categorized as transitory under the CORE schedule would greatly reduce the administrative burden for Permittees while still requiring retention of all substantive records.</p>	<p><b>B. Records Retention</b></p> <p>Each Permittee is required to keep all records related to this Permit and the SWMP for at least five years after the expiration date of this Permit, provided that Permittees are not required to retain records categorized as “transitory” in Chapter 6 of Washington State’s <i>Local Government Common Records Retention Schedule (CORE) Version 4.2 (August 2021)</i>.</p>
47.	Ph I Permit	Definition of “Qualified Professional”	<p><b>Qualified Personnel</b> means someone who has had professional training in the aspects of stormwater management for which they are responsible and are under the functional control of the Permittee. Qualified Personnel may be staff members, contractors or trained volunteers with professional certification. Permitters may train and certify volunteers.</p>	<p>Typo – “Permitters” should be “Permittees”</p> <p>Grammar - Delete “had” and add oxford comma after “contractors.”</p>	<p><b>Qualified Personnel</b> means someone who has professional training in the aspects of stormwater management for which they are responsible and are under the functional control of the Permittee. Qualified Personnel may be staff members, contractors, or trained volunteers with professional certification. Permittees may train and certify volunteers.</p>
48.	Ph I Permit	Definition of “Qualified Third Party”	<p><b>Qualified Third Party</b> means someone who has had professional training in the aspects of stormwater management for which they are responsible but are hired by private entities and not under the functional control of the Permittee. Qualified Third Parties may be contractors or consultants.</p>	<p>Grammar -Delete “had”</p>	<p><b>Qualified Third Party</b> means someone who has professional training in the aspects of stormwater management for which they are responsible but are hired by private entities and not under the functional control of the Permittee. Qualified Third Parties may be contractors or consultants.</p>

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49.	Appendix 1	Section 1, pg. 1-2 Pavement Maintenance Project revisions to exempt activities	<p>The following pavement maintenance projects are exempt from all Minimum Requirements:</p> <ul style="list-style-type: none"> <li>• pothole and square cut patching</li> <li>...</li> </ul> <p>The following pavement maintenance practices are not categorically exempt, and are subject to the Minimum Requirements that are triggered when the thresholds identified for new or redevelopment projects are met per Section 3. Applicability of the Minimum Requirements.</p> <ul style="list-style-type: none"> <li>• Removing and replacing an asphalt or concrete pavement to base course or lower, or repairing the pavement base <u>(except for a project consisting only of pothole or square cut patching)</u>: These are considered replaced hard surfaces.</li> </ul>	<p>There is no definition in the permit for “square cut patching.” Often, the patching work as part of a pavement maintenance project, including when it is a subgrade repair, is rectangular in shape, not square (i.e. it is not equal lengths long as it is wide). The County would prefer to replace the term “square cut patching” with “rectangular cut patching” for clarity and to accurately reflect professional practices.</p> <p>The added parenthetical language clarifying that pothole and patching is still exempt when it involves removing and replacement pavement to base course of lower is appreciated, however as written using the term “only” creates confusion as to whether pothole or patching work may be performed at the same time as other exempt pavement maintenance projects. Road maintenance crews will often combine pothole filling and patching work with other exempt overlay projects, especially on busy arterials which may require lane closures, traffic control and other safety measures. The County suggests clarifying the parenthetical as follows: “(except for an exempt pavement maintenance project that includes pothole or rectangular cut patching)”</p>	<p>The following pavement maintenance projects are exempt from all Minimum Requirements:</p> <ul style="list-style-type: none"> <li>• pothole and rectangular cut patching</li> <li>...</li> </ul> <p>The following pavement maintenance practices are not categorically exempt, and are subject to the Minimum Requirements that are triggered when the thresholds identified for new or redevelopment projects are met per Section 3. Applicability of the Minimum Requirements.</p> <ul style="list-style-type: none"> <li>• Removing and replacing an asphalt or concrete pavement to base course or lower, or repairing the pavement base (except for an exempt pavement maintenance project that includes pothole or rectangular cut patching): These are considered replaced hard surfaces.</li> </ul>
50.	Appendix 1	Section 1, pg. 2 Underground Utility Projects	<p>This exemption may only be applied to an entire project. The entire project must be for the sole purpose of installing, maintaining, and/or upgrading an underground utility, involving only the trenching necessary for the underground utility work (including any over-excavating necessary for the utility trench). Underground utility projects do not involve redevelopment work beyond the utility work. Projects that are not solely for underground utility work are not exempt from the Minimum Requirements, and must consider any underground utility work areas within the project as new or replaced hard surfaces when determining the applicable Minimum Requirements.</p>	<p>As proposed, franchised utilities required by their franchises to relocate their facilities in the event of a County capital project, such as a road re-development project, would not be eligible for the exemption. This proposal will present significant challenges for County capital project development processes when utilities must relocate because final utility conflict determinations do not occur until the 90% design level, pursuant to existing utility franchise agreements. Meaning, a utility will not necessarily know whether or not it will need to relocate its facilities to make way for other infrastructure proposed as part of the capital project until it is too late in the project development process for the drainage design to incorporate additional areas (utility relocation areas) for complying with MRs 1-9. As proposed, trench areas for existing franchise utilities that are required to move for a public road redevelopment project would be considered replaced hard surfaces, whereas the first-time installation of utility facilities in that same location would be exempt. There is no practical difference between these scenarios. The County requests that the underground utility exemption be revised to apply to utility relocations when required as part of a larger capital project.</p>	<p>This exemption may only be applied to an entire project. The entire project must be for the sole purpose of installing, maintaining, <u>relocating</u>, and/or upgrading an underground utility, and involve only the trenching necessary for the underground utility work (including any over-excavating necessary for the utility trench). Projects that are not solely for underground utility work <u>or underground utility relocation required for public road redevelopment or capital projects</u> are not exempt from the Minimum Requirements, and must consider any underground utility work areas within the project as new or replaced hard surfaces when determining the applicable Minimum Requirements.</p>

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51.	Appendix 1	Definition of “Bioretention BMPs”		Why are the phrases “Runoff Treatment” and “Flow Control” capitalized in the proposed modified language? Those are not defined terms and are not used in reference to a specific BMP.	
52.	Appendix 1	Definition of “Impervious surface”		The change in the definition of impervious surface from a “non-vegetated surface area” to a “hard surface area” creates an inconsistency with the definition of "Hard surface" which is defined as “an impervious surface, a permeable pavement, or a vegetated roof.”	
53.	Appendix 1	Definition of “Vehicular use” including “airport runways”		<p>The definition of “vehicular use,” which includes a list of surfaces subject to regular vehicular use, is too narrow with respect to surfaces utilized by aircraft. Modify as indicated.</p> <p>See similar comment on SWMMWW definition of “Vehicular use” and “airport runway” (Glossary, pg. 1274).</p>	<p><b><i>Vehicular use</i></b></p> <p>Regular use of an impervious or pervious surface by motor vehicles. The following are subject to regular vehicular use.</p> <p>...</p> <ul style="list-style-type: none"> <li>• <u>airport runways and other surfaces intended for movement and/or storage of aircraft.</u></li> </ul>
54.	Appendix 1	Multiple sections	New language “All projects meeting the thresholds in Section 3. Applicability of the Minimum requirements shall prepare [or apply]....”	<p>Ecology proposes to add new introductory phrasing to the discussion of each MR in Appendix 1. That new language does not provide clarity, is ambiguous, and is unnecessary.</p> <p>Specifically, the reference to “meeting the thresholds” is unclear. This is because some projects may only meet the threshold to trigger MRs 1-5, some projects may meet the threshold to trigger MRs 1-9, and some projects may meet the threshold to trigger only MR 2. The phrase “All projects meeting the thresholds in Section 3” is ambiguous because it doesn’t acknowledge there are different thresholds (with different MR requirements) in Section 3. The proposed language does not differentiate which thresholds and could cause confusion as to which MR is required in which situation.</p> <p>For example, Ecology proposes the following for Section 4.6, MR 6: “All new and redevelopment projects meeting the thresholds in Section 3. Applicability of the Minimum Requirements shall apply Runoff Treatment BMPs in accordance with the following thresholds, standards, and requirements to remove pollutants from stormwater runoff.” A new development project that does not result in 2,000 square feet of new plus replaced hard surface and does not have land disturbing activity over 7,000 square feet does meet a threshold in Section 3. It just doesn’t meet the threshold to trigger MR 6. Ecology’s proposed new language causes confusion.</p>	Retain existing 2019 Permit language.



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55.	Appendix 1	Section 3.4, Additional Requirements for Redevelopment	... <ul style="list-style-type: none"> <li>Threshold 2 (for commercial or industrial sites only): ...</li> </ul>	Change “sites” to “projects” consistent with the rest of the language in Section 3.4. Use of the term “site” in this context could result in confusion where project sites may be zoned commercial or industrial but the development project is not for a commercial or industrial use.	<ul style="list-style-type: none"> <li>Threshold 2 (for commercial or industrial projects only):</li> </ul>
56.	Appendix 1	Section 4.2, MR2	All projects meeting the thresholds in Section 3. Applicability of the Minimum Requirements shall prepare a Construction Stormwater Pollution Prevention Plan (SWPPP) as part of the Stormwater Site Plan for local government review.	MR 1 requires preparation of a stormwater site plan. MR 2 requires a construction stormwater pollution prevention plan. Some projects only trigger MR2. For those projects, how can their SWPPP be “part of” a stormwater site plan when those projects are not required to prepare a stormwater site plan?  Ecology’s proposed change seems unnecessary and could cause confusion.	Retain existing 2019 Permit language
57.	Appendix 1	Section 4.5, MR5	Each parcel must use a single compliance option. Designers may not ‘mix and match’ compliance options within a parcel.	This additional language is confusing. The County does not know what Ecology intends to require and is concerned the added language will create implementation issues.	
58.	Appendix 1	Section 4.5, MR6	The following TDAs require construction of Runoff Treatment BMPs. If a TDA meets either of the following thresholds, Runoff Treatment BMPs are required. . . <ul style="list-style-type: none"> <li>TDAs that have a total of <del>5,000</del> 2,000 square feet or more of pollution generating hard surface (PGHS), or ...</li> </ul>	The reduction of the PGHS threshold from 5,000 square feet to 2,000 square feet will result in many more residential and small commercial projects being required to provide MR6 pollution control treatment. It will also have a significant impact in rural communities, where for example a single-family development that includes a long gravel driveway will trigger MR6, but based on the use will generate significantly less pollutants than a commercial parking area of equivalent size. What is Ecology’s justification for the change as it may apply to these smaller residential and rural projects?	
59.	Appendix 1	Section 4.9, MR9	A long-term funding mechanism that will support the operation and maintenance.	This additional requirement adds no value and is also unenforceable. First, it adds no permit requirements. Second, Ecology cannot regulate the funding mechanisms used by a municipality to achieve the required outcomes of the permit, nor can Ecology make a permittee in turn regulate how a private property owner achieves those outcomes. And the County does not have the authority to dictate the funding source used by a member of the public to comply with County code.	
60.	Appendix 2	Typographical errors throughout the document		Pgs 9, 12, 14, 16, 22 – “adequaltely” should be “adequately” Pgs 9, 12, 14, 16, 22 – “initiation” should be “initiate” Pgs 12, 14, 16, 22 – “facilities” should be “facility”	

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61.	Appendix 2	Pg. 9; WRIA 5, Business Inspections  Pg. 12; WRIA 7, Business Inspections  Pg. 14, 16 and 22; WRIA 8, Business Inspections	“...bacteria source potential...”	Does Ecology mean “bacteria source pollution” or “bacteria source problems”? “Potential” does not seem like the correct word.	
62.	Appendix 2	Pg. 10; WRIA 5, Public Education and Outreach	No later than July 1, 2026, each Permittee shall include public education and outreach activities that increase awareness of bacterial pollution problems and promote proper pet waste management as a BMP under General Awareness.	There is a deadline/date for public education and outreach for WRIA 5, but not for WRIA 7 or 8 (see Appendix 2 at pgs. 12, 15, and 22). Please delete the date here for consistency with the requirement across TMDL areas. Snohomish County has a Pet Waste Outreach campaign that it runs continuously in all TMDL basins (and beyond) as an ongoing public education and outreach program.	Each Permittee shall include public education and outreach activities that increase awareness of bacterial pollution problems and promote proper pet waste management as a BMP under General Awareness.
63.	Appendix 2	Pg. 10; WRIA 5, Operations & Maintenance	No later than June 30, 2027, each Permittee shall maintain Pet Waste collection stations at Permittee owned or operated lands that are reasonably expected to have domestic animal (dog and horse) use and the potential for pollution to stormwater.	Does this mean that Permittees must perform a single act of maintenance by that deadline and that is the only obligation under this requirement? There are similar requirements for WRIA 7 and 8 without the date. Does Ecology intend for this obligation in WRIA 5 to begin by June 30, 2027?	
64.	Appendix 2	Pg. 10; WRIA 5, Illicit Connection/Illicit Discharge Detection and Elimination	Illicit Connection/Illicit Discharge Detection and Elimination:	Typographical error. “Illiciti” should be “Illicit”	
65.	Appendix 2	Pg. 10; WRIA 5, Illicit Connection/Illicit Discharge Detection and Elimination  Pg. 23; WRIA 8 (LBC), Illicit Connection/Illicit Discharge Detection and Elimination	When conducting IDDE field screening during normal course of business (as required by 5.C.5.d for Phase II Permittees, and IC/IDDE as required by S5.C.9.c for Phase I Permittees) in a TMDL boundary area, Permittees shall screen for bacteria sources when at the drainage circuit’s most downstream sampling location.  For the purpose of IC/IDDE, stormwater quality sampling is defined as obtaining grab samples of stormwater within the conveyance system of the MS4, at	The 2019 Permit used the phrase “TMDL area” which has now been changed to “TMDL boundary areas.” Can Ecology explain the purpose for the change? What is the meaning of “TMDL boundary area,” if different than “TMDL area”?  Clarifying edits needed; see County’s proposed language:  The phrase “sampling location” is imprecise. See recommended revision for clarity.  Ecology’s proposed language in the second paragraph creates confusion by not adhering to typical language and procedures for IC/IDDE field screening. The County uses outfall inspections as outlined in the Illicit Connection and Illicit Discharge Field Screening and Source Tracing Guidance Manual (IDDE Manual) (Herrera et al, 2020) as our field screening methodology. The	When conducting IDDE field screening during normal course of business (as required by 5.C.5.d for Phase II Permittees, and IC/IDDE as required by S5.C.9.c for Phase I Permittees), Permittees shall screen for bacteria sources at the most downstream location within a drainage circuit in any screened MS4 subbasins that discharge to surface waters in the TMDL area. Permittees shall follow their adopted IDDE Manual to conduct source tracing efforts if screening efforts trigger a response.

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			discharge points, and/or outfalls (if there is flow) at each drainage circuit's most downstream accessible sampling location. Permittee's shall follow their adopted IDDE Manual to conduct source tracing efforts if bacteria levels and/or observations trigger a response (see IDDE manual for bacteria trigger levels).	hallmark of outfall inspections is that they occur during dry weather so there should not be flow, therefore stormwater sampling would be impossible. Consistent with the IDDE Manual, County staff use physical indicators such as color, staining, deposits, floatables, etc. to determine if there are signs of bacterial pollution, and then perform appropriate follow up actions (these actions may also not require stormwater quality sampling). Ecology's proposed additional language related to stormwater sampling is inconsistent with the procedures outlined in the IDDE Manual methodology for screening, is confusing, and will result in different interpretations of what Permittees are expected to do to achieve compliance with this requirement.  Typo: "Permittee's" should be "Permittees"	
66.	Appendix 2	Pg. 12; WRIA 7, Snohomish River Tributaries  Pg. 15; WRIA 8, North Creek  Pg. 17; WRIA 8, Swamp Creek	Targeted Illicit Connection and Illicit Discharge Detection and Elimination requirements	Snohomish County recommends keeping the 2019 Permit requirement substantively unchanged except for revisions as shown. The requirement as written in the 2019 Permit was developed through extensive discussions with Ecology staff. The 2019 Permit language (revised as proposed by the County) properly and efficiently achieves the outcomes desired – selecting a high priority area within the overall TMDL area, identifying sources of fecal coliform pollution, and addressing pollution sources found by taking appropriate actions in accordance with Special Condition S5.C.9. The key concerns with the proposed language include: <ul style="list-style-type: none"> <li>• <u>Ecology's proposed language requires long term monitoring and creates confusion by not adhering to normal S5.C.9.d (IC/ID) procedures.</u> As a continuation of previous Permit requirements, this requirement is fundamentally a bacterial IC/ID investigation within a targeted section of the MS4. To meet this requirement, the County uses stormwater sampling to determine if there is bacteria pollution and then follows investigatory methods as outlined in the methodological documents required under S5.C.9.d.i through iii to trace and eliminate the source(s) of pollution. Investigatory methodology do not require monitoring for defined lengths of time, rather investigations are designed to find, trace, and eliminate sources of pollution and then move on so resources can be utilized at other sites or for other needs. Requiring three years of monitoring is not consistent with methods outlined in the <a href="#">Illicit Connection and Illicit Discharge Field Screening and Source Tracing Guidance Manual</a> (Herrera et al, 2020), the manual prepared for Ecology to guide just this type of work. Ecology's proposed prolonged monitoring requirement will waste resources that can be better used at other sites and for other needs.</li> </ul>	<b>Targeted Source Identification &amp; Elimination:</b> During each permit term, Permittees shall use their resources available (such as land use data, age of infrastructure, information on type of business activities, and water quality sampling results) to identify at least one high priority area that will be the target of a bacteria-focused IC/IDDE effort. Permittees shall conduct stormwater sampling and follow their adopted IDDE Manual to conduct source tracing efforts if bacteria levels and/or observations trigger a response (see IDDE manual for bacteria trigger levels). For the purposes of IC/IDDE, stormwater sampling is defined as obtaining grab samples of stormwater within the conveyance system of the MS4, and/or outfalls.  No later than December 31, 2025, each Permittee shall have a written plan that includes documentation of how each high priority area was selected and shall submit the plan with the Annual Report (Due by March 31, 2026). Permittees with more than one TMDL containing this IC/IDDE requirement shall begin to implement ID/IDDE efforts in at least one of the sub-basins discharging to the identified high priority area no later than January 01, 2026.

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				<ul style="list-style-type: none"> <li>• <u>Reducing Permittees flexibility to stagger implementation of studies while significantly increasing length of each study.</u> A key element of the 2019 Permit language is that it allows Permittees to stagger the implementation of the remaining sub-basin IDDE efforts, provided all have been completed by a date certain (12/31/2023 in the 2019 permit). Removing this flexibility adds a significant burden to Permittees without any tangible improvement in program function. As stated above, requiring 3 years of stormwater monitoring to complete a bacterial pollution study is at odds with the focus of the requirement being a bacterial source pollution study and significantly increases workload without adding any benefit.</li> <li>• <u>The application of the following sentence is unclear: “Sampling methodology must include collecting grab samples (or documenting no flow) during the critical period if critical period is identified in the TMDL”.</u> A search for the words “critical period” in the 3 TMDLs with this IC/IDDE requirement applicable to the County (Snohomish Tributaries, North Creek, Swamp Creek) returned no results. The County does not understand how this language applies and assumes it is not intended to apply to the IC/IDDE requirements for WIRA 5 Snohomish Tributaries and WIRA 8 North Creek and Swamp Creek. Ecology should provide more information on the TMDLs to which they believe this language applies, or else remove this language.</li> </ul> <p>It is worth noting that Snohomish County has conducted 6 TMDL high-priority-area investigations to date – 3 under the 2013 permit and 3 under the 2019 permit – without identifying a significant fecal pollution source using this method. We believe that adding extra work to the process will not identify hitherto unknown fecal pollution sources. We have worked collaborating with Ecology over the last few permit terms to develop language that meets the needs of Ecology and Snohomish County. While we support the goal of identifying and eliminating sources of bacterial pollution to the MS4, the proposed changes reduce clarity and triple our workload without adding any benefit.</p>	<p>Permittees have the flexibility to stagger the implementation of the remaining TMDL area IDDE efforts, provided all have been completed by the end of the calendar year in 2028.</p> <p>Permittees are encouraged to address potential bacteria pollution sources not associated with the MS4. Permittees shall implement the schedules and activities identified in S5.C.9 of the Phase I Permit or S5.C.5 of the Western Washington Phase II Permit, in response to any illicit discharges found. For each Annual Report, Permittees’ TMDL summary shall include qualitative and quantitative information about the source identification and elimination activities, including procedures followed and sampling results, implemented in the selected high priority area(s).</p>
67.	Appendix 3	Question 4	<p>Provide a breakdown of average annual costs (or estimates) to implement the SWMP and permit programs (S5.A.2 submit no later than March 31, 2027):</p> <ol style="list-style-type: none"> <li>a. Program management (including Coordination)</li> <li>b. MS4 Mapping and Documentation</li> </ol>	<p>Annual report Question 4 requests information (“program management”) not required by S5.A.2. and uses the additional term “breakdown” of costs which is ambiguous. Special Condition S1.B defines the SWMP as “the components listed in S5 and any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 – Compliance with TMDL Requirements and S8 – Monitoring and Assessment.” Special Condition S5.2.A requires Permittees to track the cost or estimated cost of development and implementation of each component of the SWMP. Annual Report Question 3</p>	<p>No later than March 31, 2027, provide average annual costs (or estimates) to implement the SWMP.</p>

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			c. Public Involvement and Participation d. Controlling Runoff from New development, Redevelopment, and Construction Sites e. Stormwater Planning f. Stormwater Management for Existing Development (SSC) g. Source Control for Existing Development h. Illicit Connections and Illicit Discharges Detection and Elimination i. Operation and Maintenance Program j. Public education and outreach k. Appendix 2 – TMDLs l. S8- Monitoring and Assessment	refers correctly to the scope of information required by S5.A.2, and Annual Report Question 4 should as well, as shown in the proposed revision.	
68.	Appendix 3	Question 11	Did you update your internal coordination agreement(s) or directives to facilitate compliance with this permit? (S5.C.3.a – Required by March 31, 2025) a. If yes, attach a written description of internal coordination mechanisms. (S5.C.3.a)	S5.C.3.a requires Permittees to: (1) update, <u>if needed</u> , internal coordination agreements, and (2) submit a written description of them in the annual report by March 31, 2025. Question 11 requires a submittal only from Permittees who needed to update these internal documents. Please revise Question 11 to reflect the Permit conditions.	Did you update your internal coordination agreement(s) or directives to facilitate compliance with this permit? (S5.C.3.a – Required by March 31, 2025) a. Attach a written description of internal coordination mechanisms. (S5.C.3.a)
69.	Appendix 3	Question 62	Updated maintenance standards per S5.C.10.a, no later than July 1, 2027?	The date appears to be a typographical error. In prior permits, the deadline to update maintenance standards was the same deadline as the adoption of the S5.C.5.b.iv program, which in the draft 2024 Permit is July 1, 2026, not July 1, 2027. The Fact Sheet at p. 80 states that “...Ecology sets a deadline for cities and counties to update maintenance standards to be consistent with those in the SWMMWW/SWMMEW. The proposed deadline is the same as the schedule for adoption of proposed site and subdivision requirements in the Controlling Runoff sections of the relative Permits.” This July 1, 2027, deadline is not consistent with what Ecology stated it intended in the Fact Sheet or with past practice.	
70.	Appendix 10	Part 1, pg. 1	“These Program must be adopted and made effective no later than July 1, 2021.”	This statement is unnecessary. Either that happened or it didn’t. What is the utility to referring to a deadline that has passed under a prior permit?	

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71.	Appendix 10	Part 2		The discussion of significant changes only references updates made to the 2024 SWMMWW, but some of those changes were also made in Appendix 1 of the Permit as well.	
72.	Appendix 12	Pg. 1	"...an updated list of structural stormwater control (SMED) projects..."	Potential typo. Consider "...an updated list of stormwater management for existing development (SMED) projects..."	
73.	Appendix 12	Pg. 2, Table 1		Table 1 is not included in the document, despite the statements that "below is the reporting template" and "below the table" is additional information. There is a hyperlink that directs to an excel document labeled "Table 1".  Not providing relevant information in the Permit or appendices themselves but only by link to a website is problematic. First, links can be broken if file names are changed or documents are moved and it seems inappropriate that a document that permittees are required to use may be unavailable. Second, linked documents raise concerns about changes to those documents after the Permit is issued. Ecology cannot modify the linked excel document without notice and a Permit modification process. Any change could result in a new or different permit obligation that Permittees would not have had an opportunity to review or challenge.	
74.	Appendix 12	Redline pg. 4	Reporting Year. List the reporting year that project work was in. For example, if completing reporting in 2025, the reporting year would be 2024.	Recommend revising the language to clarify that the reporting year is different than the year the annual report containing the information is submitted to Ecology.	Reporting Year. The "reporting year" is the Annual Report calendar year in which a project earns points; it is not the year in which the Annual Report is submitted to Ecology. For example, a project completed in 2025 would earn points in 2025 and the "reporting year" for that project would be 2025. That information will be included in the Permittee's Annual Report for 2025, which is submitted to Ecology in March 2026.
75.	Appendix 12	pages 5 and 13	Use of term "Enhanced Treatment"	The permit and Stormwater Manual replaced the term "Enhanced Treatment" with "Metals Treatment." Appendix 12 still has the term "Enhanced Treatment" on pages 5 and 13 (in Table 2), and this should be replaced with "Metals Treatment."	Replace "Enhanced Treatment" on pages 5 and 13 with "Metals Treatment."
76.	Appendix 12	Pages 5 and 13	SMED Runoff Treatment (RT) Equivalent Area and Runoff Treatment Point Factor  For each SMED project that you expect to result in a runoff treatment benefit	The phrase "Meets New/Redevelopment Standards for Target Pollutant" is used in Appendix 12 on pages 5 and 13 (in Table 2) to apply to new or retrofit treatment projects (Project Types 2 and 4). The phrase is not defined or explained further, but from a conversation with Ecology staff the County understand that the intended meaning is that the project provides appropriate	On page 5, and in Table 2 on page 13, Replace the phrase "Meets New/Redevelopment Standards for Target Pollutant" with "Meets Runoff Treatment Standards (MR#6) for the Full Basin"

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			<p>(e.g., TSS, dissolved Copper, dissolved Zinc, or Total Phosphorus), calculate Runoff Treatment Equivalent Area as described in the section titled, “How to Calculate Equivalent Area.” Enter the calculated RT Equivalent Area in the relevant column then use Table 2 to identify the appropriate RT SMED Point Factors: Runoff Treatment, Runoff Treatment in a known water quality problem area, Achieves Enhanced or Phosphorus Treatment, or Meets New/Redevelopment Standards for Target Pollutant.</p> <p>[the phrase Meets New/Redevelopment Standards for Target Pollutant is also in table 2 on page 13]</p>	<p>treatment for the water quality design standard (either flow-based or volume based) for the entire area draining to the project. This is consistent with the section on page 14 titled “Runoff Treatment (MR#6) Benefit Ratio and Equivalent Area Process” in which Step 1 states “Determine the total area (in acres) draining to the project. This is called the ‘full basin’ in these steps.” The County’s proposed language clarifies the intended meaning of the phrase “Meets New/Redevelopment Standards for Target Pollutant” and links it to text on page 14.</p> <p>Another point is that the phrase “Meets New/Redevelopment Standards for Target Pollutant” uses the term “New/Redevelopment Standards,” which are set forth in Minimum Requirement 5 of Appendix 1. But, as is correctly stated on page 14, the relevant Minimum Requirement is #6 – Runoff Treatment. This is important to correct, because a water quality treatment SMED project is inherently <u>not</u> a new development or redevelopment project. Also, Minimum Requirement #5 describes the rules by which subareas of a development project are required, or alternatively not required, to provide runoff treatment. The sole purpose of the RT Point Factor is to award extra points for projects that provide appropriate treatment for the “full basin.”</p> <p>Snohomish County recommends revising the phrase “or Meets New/Redevelopment Standards for Target Pollutant” to read “or Meets Runoff Treatment Standards (MR#6) for the Full Basin.” This wording achieves three things:</p> <ul style="list-style-type: none"> <li>• It refers to the appropriate Minimum Requirement (#6);</li> <li>• It ensures that the treatment system is selected to provide all required types of treatment (Basic, Metals, Phosphorous, and/or Oil Control) based on consideration of both the pollutant potential in the basin and the receiving waters; and</li> <li>• It contains the phrase “full basin” which is defined in the section on page 14 for calculating the project equivalent area.</li> </ul>	
77.	Appendix 12	Page 6	<p>Implements Existing Watershed Plan Point Factor</p> <p>If your project implements (1) an Ecology-approved basin plan (refer to Appendix 1, Section 7), (2) Watershed-Scale Stormwater Plan from the 2013 Phase I Municipal Stormwater Permit cycles, Special Condition S5.C.5.c, (3) Stormwater Management Action Plan from the 2019 Phase I Municipal Stormwater Permit, or (4) a TMDL (refer</p>	<p>The list should be expanded to include Watershed Management Plans developed pursuant to Chapter 400-12 WAC. Municipalities have developed many of these plans for watersheds such as North Creek and Chambers-Clover Creek. Often these plans were developed under Centennial Clean Water Fund grant contracts with Ecology, and Ecology used these plans as a basis to award numerous CCWF grants for plan implementation. See suggested revisions.</p>	<p>Implements Existing Watershed Plan Point Factor</p> <p>If your project implements (1) an Ecology-approved basin plan (refer to Appendix 1, Section 7), (2) Watershed-Scale Stormwater Plan from the 2013 Phase I Municipal Stormwater Permit cycles, Special Condition S5.C.5.c, (3) Stormwater Management Action Plan from the 2019 Phase I Municipal Stormwater Permit, (4) a TMDL (refer to Appendix 2), or (5) a Watershed</p>

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			to Appendix 2), enter the Point Factor listed in Table 2. Cite the specific project in the 'Comments' field of the reporting template (Table 1).		Management Plan developed pursuant to Chapter 400-12 WAC, enter the Point Factor listed in Table 2. Cite the specific project in the 'Comments' field of the reporting template (Table 1).
78.	Appendix 12	Page 7	<p>High Pollution Generating Transportation Areas (HPGTA) Point Factor</p> <p>These are projects that address road/transportation runoff that may be carrying tire wear or other roadway pollutants to the stormwater system. These would include projects that manage roads owned or maintained by Permittee that are defined as arterials or have AADT&gt;15,000 vehicles, high use sites that have high traffic turnover, or parking areas with over 300 total trip ends; i.e. commercial buildings with frequent turnover of visitors. Enter the Point Factor in Table 2.</p>	The revisions as proposed by the County would allow Permittees to get HPGTA credit for projects built in their jurisdictions that treat runoff from state highways or other high traffic sites that are not owned or managed by the Permittee but which discharge to the Permittee's MS4.	<p>High Pollution Generating Transportation Areas (HPGTA) Point Factor</p> <p>This is a point factor applied to projects that address, in whole or in part, road/transportation runoff that may be carrying tire wear or other roadway pollutants to the stormwater system. These would include projects that manage runoff from roads that are defined as arterials or have AADT&gt;15,000 vehicles, high use sites that have high traffic turnover, or parking areas with over 300 total trip ends; i.e. commercial buildings with frequent turnover of visitors. Enter the Point Factor in Table 2.</p>
79.	Appendix 12	Page 11	<p>Project Types, (11) Street Sweeping Programs, 3<sup>rd</sup> bullet:</p> <ul style="list-style-type: none"> <li>The SMED Program Points for a qualifying street sweeping program is based on curb miles or acres swept (as documented through broom use and tracking of parked cars, vegetation, and other conditions that prevent the sweeper from reaching the edge of the roadway) and frequency of sweeping that is in addition to the street sweeping requirements in S5.C.10 <i>Operations and Maintenance Program</i>.</li> </ul>	Please clarify that Appendix 12 project type 11 "Street Sweeping Programs" can earn SMED program points after the first quarterly required sweeping event. Otherwise, Appendix 12 sweeping may only occur in the 4 <sup>th</sup> quarter, in the middle of winter, which does not make sense. See proposed language.	The SMED Program Points for a qualifying street sweeping program is based on curb miles or acres swept (as documented through broom use and tracking of parked cars, vegetation, and other conditions that prevent the sweeper from reaching the edge of the roadway) and frequency of sweeping that is in addition to the street sweeping requirements in S5.C.10 <i>Operations and Maintenance Program</i> . SMED Program Points for project type 11 Street Sweeping Programs may be earned after the first required quarterly sweeping event each quarter.
80.	SWMMWW	Glossary, pg. 1274 Definition of "Vehicular Use" including "airport runways"		The definition of "vehicular use," which includes a list of surfaces subject to regular vehicular use, is too narrow with respect to surfaces utilized by aircraft. Modify as indicated.	<u>airport runways and other surfaces intended for movement and/or storage of aircraft.</u>



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				See similar comment for Ph. I Permit, Appendix 1, Definition of "Vehicular use" and "airport runway"	
81.	SWMMWW	Appendix 1-C.4 Wetland Hydroperiod Protection		The County is in support these updates, including the increase from 15% to 20% allowable monthly discharge volume deviations during October, November, and December, and an "allowable exception" for summer months. The County would like to see additional documentation and explanation from Ecology that supports the changes.	