



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104

206-296-9600 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

November 9, 2023

Laura Watson

Director

Washington State Department of Ecology

P.O. Box 47600,

Olympia, WA 98504-7600

Re: King County Comments on Phase 1 Municipal Stormwater Permit Update

Dear Director Watson:

Thank you for the opportunity to comment on the Washington State Department of Ecology's (Ecology's) update to the Phase 1 Municipal Stormwater Permit. The Municipal Stormwater Permit is a key tool to address stormwater pollution from both past and future development. King County's detailed technical comments are attached to this letter and have been submitted to the Ecology Comment portal. I want to take this opportunity to note intersections with regional stormwater goals, outcomes, and funding to address stormwater pollution.

Stormwater pollution remains one of the top threats to the health of Puget Sound, the health of communities, and recovery of salmon and orca. The region has made great strides in treating point discharges since the advent of the Clean Water Act and establishment of METRO, and the County continues to make significant investments in wastewater treatment and control of combined sewer overflows. At the same time, better controlling pollution from the estimated 118 billion gallons of untreated stormwater in King County alone that reaches our streams, rivers, and Puget Sound every year is also a core priority for King County. Climate change and chemicals of emerging concern – such as 6-PPDQ from tire dust – make our task even more urgent.

More than three-quarters of development in King County watersheds predates modern stormwater regulations to better control storm runoff, treat pollution, and incentivize “green” stormwater approaches. The good news is that we are seeing positive trends in our long-term monitoring of stream health even as our population grows. King County recently completed a review of 20 years of data from 120 stream locations across King County. We found that the health of 25 percent of the streams has improved while just three percent declined, even as

King County's population grew by more than half a million. We found similar positive trends in the City of Seattle. The take home messages for me are that we must not 'write off' urbanized streams and that our interventions (growth management, land conservation, stormwater management) appear to be working. Given streams' capacity for recovery, we may have the potential to achieve even greater gains through updated regulations and investments aimed at actions that will achieve the greatest outcomes.

Over the last two years, I convened stormwater practitioners and local, state, and Tribal leaders to develop goals for regional action that achieve best outcomes most quickly. We identified regional action goals for stormwater parks, roadway treatment, better flow control, and controlling pollution at its source. Practitioners and leaders also identified barriers and opportunities to advance this work. A key barrier to regional stormwater parks is the highly localized nature of regulations and funding for stormwater management.

I support the Draft Permit Update's inclusion of additional incentives for regional stormwater retrofits. King County's technical comments include recommendations to further strengthen these incentives, including providing more explicit assurance that joint projects with neighboring jurisdictions can be recognized for permit compliance even if parts of the project area are outside the permittee's jurisdictional boundary. We appreciate the intent of permit updates to incentivize stormwater retrofit investments in underserved communities but seek an alternative approach that would ensure that projects must accomplish the same water quality outcomes (i.e., location in underserved community should not offset effectiveness of quality treatment).

This draft Stormwater Permit update would also strengthen requirements for treatment of roadway runoff, another area of focus identified in our regional stormwater goals. We see an opportunity to make this recommendation even more impactful if priorities for roadway treatment during the life of the permit can be informed by current research on best management practices and mapping of "hot spots" for 6-PPDQ runoff.

Requirements for additional treatment of roadway runoff and street sweeping are important and impactful. At the same time, they have real cost impacts for road and fish passage capital projects and roadway maintenance. Based on the draft permit requirements, we estimate that King County's street sweeping costs would triple, and that the lowered threshold retrofits to treat water quality would double the cost of roadway preservation projects. King County supports incorporating water quality treatment into fish passage projects with flexibility to design workable treatment options for specific sites. The permit updates will increase project design and construction time and cost. Additional funding will be needed to sustain the pace of project implementation. King County will continue to seek relief from the state structural funding limit of 1 percent growth in property tax revenues which severely limits capacity for counties to make these important water quality and salmon recovery investments while keeping our roadways safe for the traveling public.

Additionally, we hope to partner with state agencies, Tribes, and other local governments to seek updates to state capital and grant funding programs to strengthen support for:

- large-scale, multi-benefit stormwater retrofit projects including stormwater parks, drawing from lessons learned from the state’s successful “Floodplains by Design” program.
- upfront investments in water quality treatment and climate resiliency as core elements of roadway preservation, fish passage, and capital projects.
- additional research, mapping, and implementation of best management practices for controlling toxic tire dust runoff.
- investment in work force development and support for local hire and Minority- and Women-owned Business Enterprise contracting for crews that are trained to design, install, and maintain green stormwater infrastructure.

Thank you again for the opportunity to comment on the Municipal Stormwater Permit, a key part of our comprehensive strategy for controlling stormwater pollution. If you have questions about King County’s comments, please contact Christie True, Director, King County Department of Natural Resources and Parks (DNRP) at christie.true@kingcounty.gov or 206-477-4550.

Sincerely,



Dow Constantine
King County Executive

Attachment: King County Municipal Stormwater Permit Update Technical Comments

cc: Rob Duff, Executive Director, Policy and Outreach, Office of Governor Jay Inslee
Amy Waterman, Phase 1 Municipal Stormwater Permit Writer, Ecology
Mike White, Director of Government Relations, King County Executive Office
Christie True, Director, Department of Natural Resources and Parks (DNRP)
Mo McBroom, Deputy Director, DNRP
John Taylor, Director, King County Department of Local Services (DLS)
Tricia Davis, Director, King County Roads Division, DLS
Megan Smith, Clean Water Healthy Habitat Initiative Lead, DNRP
Josh Baldi, Director, Manager, King County Water and Land Resources Division (WLRD), DNRP
Angela Gallardo, Water Quality Compliance Unit Manager, WLRD, DNRP