The Nature Conservancy
Washington

November 10, 2023

Abbey Stockwell (Phase II Municipal Stormwater Permit Writer)
Amy Waterman (Phase I Municipal Stormwater Permit Writer)
Department of Ecology
300 Desmond Drive SE,
Lacey, WA 98503

Dear Ms. Stockwell and Ms. Waterman,

On behalf of The Nature Conservancy in Washington (TNC) and our 310,000 supporters across the state, thank you for the opportunity to provide input on the draft National Pollutant Discharge Elimination System Municipal General Permits for Western Washington Phase 1 and Phase 2 jurisdictions. We recognize the years you have spent working on these permits and we hope you see this opportunity for public input as a chance to continue to improve on that work so that the next five years of stormwater work lead to clean water for healthier people, salmon, and aquatic ecosystems.

We urge you to take this opportunity to strengthen the permits for these four priorities of stormwater management:

- Environmental Justice and Tribal Rights
- Accelerate retrofits of toxic hotspots – work at scale of the road system
- 6PPD & 6PPD-quinone
- Collaboration among permittees to achieve these goals

TNC commends Ecology for including urban forestry in the permit, creating a street sweeping requirement separate from SMED, and for lowering the thresholds to trigger the minimum requirements in Appendix 1. Lowering thresholds to trigger minimum requirements will slow exacerbation of our existing problems. The inclusion of urban forestry, and past inclusion of low-impact development demonstrates an understanding that stormwater problems and solutions are shaped by land use, and that multiple parts of government need to participate in cleaning up our water. It is time to include transportation as well.

Our road system and buildings built before the inclusion of Low Impact Development in the permit still need retrofits. Stormwater runoff is the largest source of pollution in the Salish Sea and roads are our most polluting impervious surface. Ecology has known for decades that urban runoff kills coho salmon before they can spawn, and also that biofiltration prevents urban runoff mortality syndrome. With the recent identification of 6PPD-quinone as the second most toxic chemical known for aquatic life, and ongoing research on the impacts of PAHs as well as other toxics coming from cars, we have even clearer evidence towards the importance of large scale biofiltration for road runoff. Given the ubiquity and toxicity of 6PPD and 6PPD-q, it is vital that Ecology include 6PPD in this permit. The incremental approach historically taken in updating this permit has failed to meaningfully advance clean water, and we cannot wait five more years to incrementally address 6PPD. The current draft permit does not mention 6PPD, which permit writers explained by citing the lack of EPA recommendations and the

desire to treat the full range of toxic chemicals coming from roads.[1] However, EPA has already provided an example of how to include 6PPD in the JBLM permit, citing Ecology's own publication.[2] With a certified laboratory method for 6PPD measurement nearly complete, we recommend Ecology include 6PPD monitoring requirements that take effect when the laboratory method is final. Further, Just as PCBs and PFAS are known chemicals of high concern, the extreme toxicity of 6PPD-q makes it a chemical of high concern deserving extra attention from permittees. Where Ecology requires special focus on firefighting foams and buildings built from 1950-1980 for PFAS and PCBs respectively, so they should also place special requirements on high traffic roads for 6PPD. The challenge that this permit must address is 6PPD's ubiquity on our roads and therefore in our runoff.

Now is the time for Ecology to step up and lead Washington towards a future with clean water by requiring permittees take action at the scale of the problem, building regional treatment facilities and stormwater parks that treat hundreds of acres. This permit must accelerate implementing large-scale use of bioretention to support environmental justice, tribal sovereignty, and make progress toward reducing the harm of 6PPD and other stormwater pollutants to people and aquatic life. Strategically sited stormwater parks that can retrofit hundreds of acres in a single capital project are the best way of accomplishing this, especially in dense urban areas.[3,4] Regional facilities often have better treatment and can be more cost-effective than smaller facilities. In addition, smaller cities and towns can frequently leverage analysis at the regional level for planning and use of their limited funds toward implementation.

In all this work to accelerate retrofits of toxic hotspots, reduce pollution at its source, and build cities that pollute less in the first place, Ecology and permittees should take into account the history of colonialism, racism, inequitable pollution burden, and disenfranchisement that shapes who is exposed to pollution and who's voice matters in stormwater management decisions. The WA State Environmental Justice Task force laid out five environmental justice (EJ) principles in their Final Report.[5] Those are:

1. Achieve the highest attainable environmental quality and health outcomes for all people.
2. Adopt a racial justice lens.
3. Engage community meaningfully.
4. Be transparent.
5. Be accountable.

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[1] Stormwater Work Group meeting, 9/13/23

[2] 2.4.4.2 For any retrofit projects initiated during this permit term, the Permittee must select retrofit projects using practices shown to effectively reduce the pollutants listed in Table 3.3.5 and 6PPD-quinone in stormwater discharge such as those detailed in Ecology's 2022 Stormwater Treatment of Tire Contaminants Best Management Practices (BMP) Effectiveness Report."

[3] Stormwater Parks. *Puget Sound Regional Council. Accessed October 26, 2023. https://www.psrc.org/our-work/stormwater-parks*

[4] The WQBE Toolkit. *King County.* October 26, 2023. https://storymaps.arcgis.com/stories/298389a653604e98a07fd53578d9ff3d

[5] WA State Environmental Justice Task Force Final Report. Fall 2020. https://healthequity.wa.gov/sites/default/files/2022-01/EJTF%20Report_FINAL%281%29.pdf

TNC urges you to explicitly require permittees use the EJ principles when determining where and how they act, not just in their words as currently required. Tribes in particular are directly impacted by the harm stormwater pollution inflicts on tribal treaty rights. As natural resource and fisheries co-managers and sovereign nations it is critical that Ecology and permittees conduct meaningful consultation and include Tribal priorities and consultation in the permit.

To accelerate retrofits of toxic hotspots and effectively incorporate environmental justice will require jurisdictions to work across boundaries within a watershed, which Ecology can facilitate in the permit. As presented at the October 26th meeting of the Puget Sound Partnership Ecosystem Coordination Board, there need to be real incentives for jurisdictions to work together. Those incentives should push jurisdictions to do more, not less for stormwater management. The draft permit creates collaboration incentive through the current SMED points multipliers that lower the expectation on retrofits when collaboration occurs. We recommend replacing most of the multipliers with minimum requirements. Whether or not the multipliers remain, we recommend Ecology set the SMED points/acres requirements high enough that jurisdictions must collaborate to meet their points, and that permittees still achieve clean water when they meet the standard lowered by points multipliers.

To do this, Ecology must increase retrofit requirements need to address the scale of the road system and stormwater pollution in jurisdictions across Western Washington. The proposed draft permits require Phase 2 jurisdictions to treat 0.3 to 15 acres through stormwater retrofits, not nearly enough to make a dent in current pollution. For context, 0.3 acres is about the size of one large intersection. Even the Phase 1 jurisdictions will only have to treat at most 300 acres by the end of 2029, and only if they achieve zero SMED multipliers, which is nearly impossible. Both phase 1 and phase 2 jurisdictions have proven themselves capable of treating hundreds of acres in a single retrofit project:

- Arlington Stormwater Wetland Park, 284-acre basin, flow control and treatment (2 acres required under SMED)
- Kitsap County Manchester Park, 100-acre basin, flow control and treatment (7.5 acres required under SMED)
- Shoreline Cromwell Park, 109-acre basin, flow control and treatment (5.9 acres required under SMED)
- Seattle Swale on Yale, 435-acre basin, water treatment (300 completion points required under SMED)
- Tacoma Pt. Defiance Stormwater Facility, 754-acre basin, water treatment (300 completion points required under SMED)

Given that both Phase 1 and Phase 2 jurisdictions have demonstrated ability to build regional facilities far beyond the proposed requirements and right now is when we have a generational influx of federal dollars available to motivate and support communities with aggressive implementation, this permit should recognize large regional facilities as practicable across western Washington jurisdictions and require jurisdictions to build retrofits at that scale during the next five years.

Please see the attached table for an additional list of specific changes we recommend to the permit, as well as the attached letter from the informal SSC Comments for our recommendations from the first round of comments, most of which remain unaddressed.
Thank you for your work for clean and healthy water, people, and ecosystems in Washington.

Sincerely,

Jessie Israel
Puget Sound Conservation Director
The Nature Conservancy in Washington

Joshua Rubenstein
Conservation Policy

Attachment 1: Recommended Changes to Draft Permit

Recommended Changes to the Draft 2024 NPDES Municipal General Permit, Phases 1 & 2			
Permit Topic (WWA Phase 1 and 2 unless otherwise specified)	**Recommended Change**	**Reasoning**	**Priority Addressed**
Whole permit	Ecology follow Environmental Justice Principles in writing permit requirements.	Currently the permit will not move the needle on water quality or health outcomes. TNC urges Ecology to use the permit to "achieve the highest attainable environmental quality and health outcomes for all people" in line with the first EJ Principle from the EJ Task Force, while also meeting the other four principles.	Environmental Justice
Whole Permit	Ensure permittees follow Environmental Justice Principles when fulfilling permit requirements.	Overburdened communities are only named in the Education and Outreach, and Public Involvement and Participation sections of the permit. Ecology should explicitly require permittees use the EJ principles when determining where and how they work in all sections of the permit, not only when talking to the public. It matters for environmental justice where permittees invest, not just what is said to whom. Based on the Environmental Justice Task Force's recommendation 13, permittees should "*Use the overall EHD map rank 9 and 10 as a starting point to identify overburdened communities.*" Ecology can require permittees use the Environmental Health Disparities map with the option to use a more localized resource with equivalent or greater rigor.	Environmental Justice
Whole Permit	Incorporate Tribal rights and consultation, including rights to salmon.	The permit should require protection of tribal treaty resources, as determined through consultation with tribes. Salmon are a critical part of the ecosystems and Indigenous cultures across the state and are co-managed by Tribes and the state as a treaty reserved right for Tribes. Washington has taken on Clean Water Act responsibilities from the federal government as writer of the NPDES permits, and permittees are ultimately responsible for implementation of stormwater controls needed to fulfill federal treaty commitments. Ecology and Permittees must	Tribal Rights

		uphold free, prior and informed consent through consultation with tribes on stormwater actions, including this permit.	
Whole Permit	Include 6PPD & 6PPD-q in permit	Ensure that 6PPD and 6PPD-q are monitored, planned for, and treated through monitoring requirements, stormwater management plan, SMED retrofit program, and street sweeping.	Environmental Justice, Accelerate Retrofits
SMED, SWMP	Incentivize and encourage regional stormwater parks	Regional facilities are the most efficient way to treat large volumes of road runoff. They can also be harnessed to provide community benefit, and when sited and planned in coordination with communities with few parks/green spaces can bring environmental justice benefits.	Accelerate Retrofits, Environmental Justice
SMED	Replace the points/acres treated requirements with a percentage of impervious or road surface treated.	The current phase 1 points and phase 2 acres systems for measuring SMED are not associated with water quality outcomes. Using percent pollution generating impervious surface treated would both be more effective at getting to clean water and benchmark the SMED program to real water quality outcomes.	Accelerate Retrofits
SMED	Replace the SMED multiplier for overburdened communities with a minimum requirement that 40% of SMED points/acres come from projects in overburdened communities and EJ priority locations.	Currently the multiplier system means that by doing projects that serve overburdened communities permittees actually retrofit a smaller area than they would otherwise. This runs directly counter to the first EJ principle: achieve the highest attainable environmental quality and health outcomes for all people. Following the model of the federal government's Justice 40 Initiative and the Climate Commitment Act's mandate that 35% (and a stated goal of 40%) of investments benefit overburdened communities, we recommend incorporating a similar minimum requirement model in SMED in place of the multiplier.	Environmental Justice, Accelerate Retrofits
SMED	Use same measurement system for Phase 1 and Phase 2 permittees, either acres or points.	Using the same system will ease cross jurisdiction collaboration on regional facilities. Level of requirement can still be scaled by size of jurisdiction.	Collaboration
SMED Phase 1	Increase to at least 3000 points required, including 750	Permittees need to treat large percentages of road runoff to improve water quality. Puget Sound Regional Council has released their Stormwater Park Planning Guide detailing	Accelerate Retrofits

	required complete or maintenance stage points.	seven existing regional stormwater parks and six in planning stages from both phase 1s and phase 2s, with catchment basins ranging from 10 to 754 acres.[7] King County has led a coalition of governments to set a science-based goal of building 30 stormwater parks by 2030 within the county including other permittees.[6] Extrapolating that across Western WA is the level of effort this permit should drive for across Western WA.	
SMED Phase 1	Increase required complete/maintenance stage points to 750.	Even if Ecology does not increase the overall score, require phase 1 permittees to achieve meaningful outcomes. In the context of King County Jurisdictions' 30 stormwater parks by 2030 goal, this should be achievable.	Accelerate Retrofits
SMED Phase 2	Increase acres by a factor of 100 (or the equivalent in points if following recommendation to align system with Phase 1)	Permittees need to treat large percentages of road runoff to improve water quality. Puget Sound Regional Council has released their Stormwater Park Planning Guide detailing seven existing regional stormwater parks and six in planning stages from both phase 1s and phase 2s, with catchment basins ranging from 10 to 754 acres.[8] The current 0.3 - 15 acre range is comically low in comparison to what phase 2s have already proven capable of. Furthermore. Raising the bar on overall level of effort will push permittees to collaborate to meet requirements. Rather than lowering the bar by giving extra points for collaboration, drive collaboration with high requirements that can only be met working together.	Accelerate Retrofits, Collaboration, 6PPD
SMED	Set a high minimum requirement of completed/maintenance stage points that must come from water quality treatment of high pollution generating transportation areas. Either	We appreciate the focus on high pollution generating transportation areas. Considering the toxicity of 6PPD and car pollution in general this is particularly important. However, the draft permits leave treatment of HPGTAs as optional, while the points multiplier lowers the impact of the SMED program. Instead, jurisdictions need to treat more of that highly polluted runoff. Using a minimum requirement, potentially coupled with the points multiplier at the highest levels of effort for extra incentive, the permit can require that permittees treat dirty road runoff	6PPD, Accelerate Retrofits.

[6] Regional Stormwater Action Goals. King County. May 2023. https://static1.squarespace.com/static/604fb20ec772310d24fa3471/t/64e8f6f83f6be1689481519a/1692989217017/Regional-stormwater-goals-fact-sheet-May2023.pdf

	remove the multiplier for HGPTAs or only apply the points multiplier beyond that minimum.	without reducing the impact of the SMED program.	
SMED Phase 1	Replace flow control and water quality point multipliers with minimum requirements.	With the flow control and water quality point multipliers of 2-5x basin acreage, a single well planned regional facility can far surpass required points. Yet those facilities are exactly what this permit should be requiring. Using a minimum points requirement for flow control and water quality, along with the higher points totals recommended above, will help hold the region to a retrofit standard in line with the King County municipalities' goal of 30 stormwater parks by 2030, extrapolated to Western Washington.	Accelerate Retrofits
SMED	Allow jurisdictions to bank surplus points for future permit requirements	We need green infrastructure at scale now. Encourage jurisdictions to go above and beyond the permit, and if there are lots of excess points carrying over ECY should take that into account and further raise SMED requirements next cycle.	Accelerate Retrofits
SMED	Strengthen incentives and structures for collaboration across jurisdictions	A few permittees are well resourced and regularly go above and beyond their permits. Many never go beyond the permit requirements. The new permit should make it easier for smaller and less ambitious jurisdictions to collaborate with more ambitious jurisdictions in each watershed. The WRIA model from salmon recovery could be used to achieve this.	Accelerate Retrofits
Urban Forestry	Require permittees to include a tree retention policy for trees over 12 inches diameter.	This is a great part of the permit! Though planting trees is politically sexy, retaining mature trees is one of the most important aspects of any urban forestry policy, and should be a requirement. Retaining existing mature trees is especially important in frontline communities with low canopy cover.	Environmental Justice
Urban Forestry	Set a minimum goal of 30% tree canopy coverage.	Providing a floor will ensure that local policies will work towards a significant and achievable level of urban forest canopy.	Environmental Justice
Mapping outfalls	Require permittees map and publish the basins draining to	Identifying toxic hotspots requires knowing where the water goes. Regional stormwater parks are most effective built low in a basin, where they can treat water from a large	Accelerating Retrofits

	each outfall along with their outfall data	catchment. By making this data public, permittees will support community led GSI and accountability.	
SAM/SMED	Create a collaborative retrofit system analogous to the Stormwater Action Monitoring program that will fund high priority retrofits.	The Stormwater Action Monitoring collaboration has proven an effective and efficient method for collaboration. Ecology can build on that success by replicating the program for retrofits, even if on a small scale relative to the overall retrofit need.	Collaboration, Accelerating Retrofits

Attachment 2: SSC Informal Comment Letter from The Nature Conservancy

March 23, 2023

Abbey Stockwell (Phase II Municipal Stormwater Permit Writer)
Amy Waterman (Phase I Municipal Stormwater Permit Writer)
Department of Ecology
300 Desmond Drive SE,
Lacey, WA 98503

Dear Ms. Stockwell and Ms. Waterman:

On behalf of The Nature Conservancy in Washington and our 310,000 supporters across the state, thank you for your commitment to clean water and the health and well-being of our communities.
Thank you for the opportunity to provide input on the initial proposal for the National Pollutant Discharge Elimination System (NPDES) Municipal General Permits Phase 1 Structural Stormwater Controls and Phase 2 Stormwater Control for Priority Developed Areas.

Each year, millions of pounds of pollutants enter Puget Sound's rivers, streams, lakes, and the Sound itself. Much of the worst of this pollution flows as untreated stormwater from roads. The impacts of climate change and pollution are touching down everywhere we look. Scientists have demonstrated how this pollution laden with a toxic mix of chemicals and heavy metals, including 6PPD, is killing coho salmon, Endangered Species Act listed chinook salmon and steelhead, damaging aquatic ecosystems, and threatening the existence of our iconic Endangered Species Act listed orcas. Human health is also suffering as we live out our lives adjacent to near-ubiquitous pollution. Communities of color are the most at risk, here and around the world, of living near contaminated air, water and soil. Expanding investments in nature-based solutions to address urban challenges like storm water run-off and air pollution is a cost-effective way to improve the health, safety, productivity and well-being of people living in cities and to conserve biodiversity.

We can't afford to wait longer. The original goals of the Clean Water Act are still compelling today and should continue to be a guiding force in this work to ensure clean water for people and nature:

- It is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;
- It is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;
- It is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;

Now is the time to step up and forge ahead. This permit must accelerate implementing large-scale use of bioretention to support environmental justice, tribal sovereignty, and make progress toward reducing the harm of 6PPD and other stormwater pollutants to people and aquatic life. We believe that strategically sited stormwater parks that can retrofit hundreds of acres in a single capital project are the best way of accomplishing this, especially in dense urban areas. Regional facilities often have better

treatment and can be more cost-effective than smaller facilities. In addition, smaller cities and towns can frequently leverage analysis at the regional level for planning and use of their limited funds toward implementation.

The Phase 1 Structural Stormwater Controls and proposed Phase 2 Stormwater Controls for Priority Developed Areas programs offer Washington State an important opportunity to focus on three priorities of stormwater management:

- Environmental Justice
- Accelerating the pace of retrofits to meet our water quality problem, and
- Focusing on toxic hotspots, including urban areas.

Please refer to the attached document for detailed recommendations for ways to center these three priorities in the Structural Stormwater Controls and Stormwater Control for Priority Developed Areas programs.

Improving the stormwater retrofit requirements in this permit is one of the most critical steps the Department of Ecology can take for water quality. Thank you for the steps you have taken to strengthen retrofit requirements in these programs. We appreciate all your hard work continuing to improve the Structural Stormwater Controls and Stormwater Control for Priority Developed Areas programs by following the attached recommendations to center environmental justice, accelerate the pace of retrofits, and clean up toxic hotspots.

Best Regards,

Jessie Israel

Puget Sound Conservation Director
The Nature Conservancy in Washington

Attachment: The Nature Conservancy Detailed Comments, Structural Stormwater Controls & Stormwater Control for Priority Developed Areas.

The Nature Conservancy Detailed Comments, Structural Stormwater Controls & Stormwater Controls for Priority Developed Areas

The Phase 1 Structural Stormwater Controls and proposed Phase 2 Stormwater Controls for Priority Developed Areas programs offer Washington State an important opportunity to focus on three priorities of stormwater management:

Priority 1: Environmental Justice

- **Center Environmental Justice Principles** - The WA State Environmental Justice Task force laid out five environmental justice (EJ) principles in their WA State Environmental Justice Task Force Final Report. Those are:
    1. Achieve the highest attainable environmental quality and health outcomes for all people.
    2. Adopt a racial justice lens.
    3. Engage community meaningfully.
    4. Be transparent.
    5. Be accountable.
- **Require Baseline Investment in EJ -** Incorporate these principles into the Structural Stormwater Controls (SSC) program by explicitly requiring permittees use these principles when determining where and how they work. Following the model of the federal government's Justice 40 Initiative, we recommend requiring a baseline level of at least 40% of SSC points be from projects in overburdened communities and EJ priority locations, including priority locations for tribal treaty resources. It does not follow EJ Principle 1 "Achieve the highest attainable environmental quality and health outcomes for all people" that this proposal allows jurisdictions to treat half the water if they do so in overburdened communities. While not perfect, the Environmental Health Disparities map provides a statewide resource to help prioritize stormwater investments for environmental justice. Based on the Environmental Justice Task Force's recommendation 13, permittees should "*Use the overall EHD map rank 9 and 10 as a starting point to identify overburdened communities.*" Ecology can require permittees use the Environmental Health Disparities map with the option to use a more localized resource with equivalent or greater rigor. The program should also require investments to protect tribal treaty resources, as determined through consultation with tribes. A focus on racial justice and tribal resources is critical to incorporating EJ into stormwater retrofits.
- **Prioritize Tribal Treaty Rights, Including Salmon –** Salmon are a critical part of the ecosystems and Indigenous cultures in the Salish Sea and across the state, and are co-managed as a treaty reserved right. Washington has taken on Clean Water Act responsibilities from the federal government as writer of the NPDES permits, and permittees are ultimately responsible for implementation of stormwater controls needed to fulfill federal treaty commitments. As salmon continue to decline, Ecology and Permittees have an ethical and legal responsibility to clean runoff of 6PPD and other pollutants.
- **Work at Scale –** Though we have known about the toxicity of urban road runoff for decades, the recent identification of 6PPD as particularly toxic to salmon has added new urgency and attention to the need to retrofit our road system at a scale that matches our pollution problem. This aligns with EJ Principle 1: Achieve the highest attainable environmental quality and health outcomes for all people.

Priority 2: Accelerating Stormwater Retrofits

- **Increase Requirements by at Least an Order of Magnitude-** We would like to see 60 new regional stormwater parks across Western Washington before 2030. In order to meet that goal, increase the permit requirements to a minimum of 3000 points for phase 1 jurisdictions and 100x the proposed minimum acreage responsibilities for Phase 2 jurisdictions. This will push permittees to build regional stormwater facilities and other GSI to treat toxic hotspots.

- **Incentivize Stormwater Parks and Regional Facilities** by raising requirements as described above. Puget Sound Regional Council has released their Stormwater Park Planning Guide detailing seven existing regional stormwater parks and six in planning stages with catchment basins ranging from 20 to 754 acres, many in the 100-300 acre range. Given the multipliers for enhanced treatment, work in overburdened communities and alignment with a watershed plan, points for a single well executed stormwater park could easily balloon to meet the full SSC requirements. Furthermore, both Phase 1 and Phase 2 jurisdictions have demonstrated ability to build high-capacity regional facilities:
    - Arlington Stormwater Wetland Park, 284-acre basin, flow control and treatment
    - Kitsap County Manchester Park, 100-acre basin, flow control and treatment
    - Shoreline Cromwell Park, 109-acre basin, flow control and treatment
    - Seattle Swale on Yale, 435-acre basin, water treatment
    - Tacoma Pt. Defiance Stormwater Facility, 754-acre basin, water treatment

  Despite this demonstrated ability of Phase 2 jurisdictions to work at scale, the proposed Stormwater Control for Priority Developed Areas requires stormwater management on two acres for Arlington, 7.5 acres for Kitsap County, and 5.9 acres for Shoreline. The proposed acreage requirements are so low as to be irrelevant in terms of water quality outcomes.

  Given the demonstrated capacity by these phase 2 jurisdictions to voluntarily build and maintain stormwater parks at two orders of magnitude higher than requirements, the even greater capacity of the Phase 1s to do the same, and the need to rapidly accelerate treatment for 6PPD and other pollutants, Ecology should multiply all the required acreage for phase 2 jurisdictions by 100 times the current proposal and raise the minimum SSC points for Phase 1s to at least 3,000.

- **Strengthen Collaboration –** The proposal to allow Phase 2 jurisdictions to participate in regional stormwater facilities outside their jurisdictions is a strong one. This functionally sets up a stormwater treatment credit trading among permittees in a basin. Based on TNC's experience helping to set up the stormwater credit marketplace in Washington DC, successfully starting a trading system requires a significant increase in the stringency of requirements, pushing efforts towards the most efficient and high impact work. Raising the bar on overall level of effort as recommended above will push permittees to collaborate to meet requirements. Rather than lowering the bar by giving extra points for collaboration, drive collaboration with high requirements that can only be met working together.
- **Implement Plans –** With proper requirements and incentives to implement SMAPs and build retrofits, Western Washington permittees are poised to make significant progress on water quality. **The Nature Conservancy and others have been creating science and engineering based tools for the specific purpose of buying down the costs for jurisdictions to meet planning requirements.** These tools include: TNC's Stormwater Heatmap, Retrofitting Our Legacy Report, GSI Siting Guide and Scope of Work Template, Puget Sound Regional Council's Stormwater Park Planning Guide, King County's WQBE Analysis, Our Green Duwamish's SMAPr tool, and more. As these tools lower the planning cost by orders

of magnitude, and salmon continue to decline, it is time for commensurate increases in implementation by orders of magnitude.

- **Provide Funding Support to Meet Increased Requirements –** Federal infrastructure money is at unprecedented levels, and the state has grant programs in place to fund water quality retrofits. With unprecedent money available and unprecedented urgency to protect salmon and address health disparities, writing an NPDES permit for maximum extent practicable cleanup means setting the expectation that permittees seek and utilize these outside funds. The status quo alternative means writing ineffective permits that don't achieve water quality. To help permittees access federal and state grants Ecology should:
    a. Streamline the application process for the Combined Water Quality Funding Program
    b. Create a prioritized funding list rather than competitive grant process
    c. Lead a statewide strategy to maximize federal infrastructure funding for climate resilience and water quality
    d. Prioritize funding for high impact, collaborative regional retrofits
    e. Provide a pathway for Federal dollars to support NGOs and community-based organizations for stormwater retrofits that can sell points to the permittees.

<u>Priority 3: Prioritize Toxic Hotspots including Urban Areas:</u>

- **Focus on Retrofits (Project Types 1-4 & 6) -** We know that bioretention and green stormwater infrastructure (GSI) are two of the best solutions to treat for 6PPD, and the SSC program is the only place in the permit that requires GSI retrofits. Ecology should Leverage that by focusing these sections of the permit only on project types 1-4 and 6, the true retrofits. We know street sweeping is a cost-effective solution, but not enough to fix the water quality problems we face. We need both street sweeping and retrofits. Given the inclusion of street sweeping requirements elsewhere, using this portion of the permit to require retrofits will bring the highest benefit.
- **Focus on High Traffic Roads –** We appreciate the focus on high pollution generating areas. We recommend setting a minimum requirement to treat high pollution generating areas and only apply the points multiplier beyond that minimum.
- **Don't Abandon Urban Waters –** Ecology's Clean Water Act responsibility is to clean water for people and ecosystems. That means retrofits in urban cores where roads are densest and polluting runoff is worst. While land conservation in the urban fringe is important, it cannot substitute for retrofits.
- **Incentivize Voluntary Retrofits Above and Beyond Requirements –** In order to achieve clean water, permittees will need to go beyond the minimum requirements of the permit as currently proposed. Provide incentives so that jurisdictions can prioritize the construction and maintenance of the GSI needed to achieve clean water. Ensure that the permit has a mechanism to account for this work so that jurisdictions going above and beyond can use stormwater management fees for clean water.