

Puget Soundkeeper Alliance

Please see attached Comments on the 2024 Phase I, Western Washington Phase II, and Eastern Washington Phase II Municipal Stormwater Permits submitted by Earthjustice on behalf of Puget Soundkeeper Alliance.



November 10, 2023

Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: Comments on the 2024 Phase I, Western Washington Phase II, and Eastern Washington Phase II Municipal Stormwater Permits

Dear Washington State Department of Ecology,

Earthjustice submits these comments on the 2024 Phase I Municipal Stormwater Permit (“the Permit”), Western Washington Phase II, and Eastern Washington Phase II Municipal Stormwater Permits (altogether collectively, the “Permits”) on behalf of Puget Soundkeeper Alliance (“Soundkeeper”). Soundkeeper has advocated for clean water throughout the Puget Sound watershed for 40 years and, together with Earthjustice, has worked to make these Permits stronger and Puget Sound more free of stormwater pollutants since at least the 2007 Permits.

The biological health of Puget Sound is in rapid decline, with stormwater run-off a significant cause of that decline. Critically, the Permits fail to meet the required stormwater treatment standards of reducing pollutants to the “maximum extent practicable” (“MEP”) and applying “all known, available, and reasonable methods of treatment” (“AKART”). Ecology must comply with the bare minimum requirements of state and federal law and amend the Permits in the ways described in this comment.

Ecology must revise the draft Permits in the following ways: first, demand biofiltration as AKART because it is a Best Management Practice (“BMP”) for 6ppd-q. Second, Ecology must revise segments—such as the existing development point system, watershed planning, and provisions that grant Permittees unnecessarily ample time—to effectuate actual, on-the-ground change. Third, Ecology must ensure that the Permits do indeed prevent the cause or contribution to ongoing violations of water quality standards, which the Permits (as drafted) fail to do.

Legal Background

The Clean Water Act and state law prohibit the discharge of any pollutant in any amount absent compliance with a National Pollutant Discharge Elimination System (“NPDES”) permit. 33 U.S.C. § 1311(a); RCW 90.48.080; WAC 173-220-020. Stormwater collected and channeled to outfalls that discharge to water is a point source discharge under the Clean Water Act. 33 U.S.C. §§ 1362(14) and 1342(p); *see also* WAC 173-226-050 and 173-220-030(18). “Permits for discharges from municipal storm sewers... (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.” 33 U.S.C. § 1342 (p)(3)(B).

Washington statutes require that stormwater permits include and require AKART to control pollutants in stormwater discharges and that in no event shall the discharge of toxicants be allowed to violate Washington water quality standards. RCW 90.48.010 and RCW 90.48.520; WAC 173-201A. AKART requires the application of “the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge[.]” and specifically applies to stormwater. *Id.*; WAC 173-201A-020. Permit conditions must apply AKART to ensure compliance with these state laws.

Further, permits that authorize stormwater discharges must contain specific controls sufficient to ensure that the discharges do not cause or contribute to a violation of a Washington water quality standard. RCW 90.48.520; RCW 90.48.010; WAC 173-213-110(1)(d), 173-226-070(2) and (3). Washington law prohibits the discharge of any pollutants where such discharge will degrade the receiving water’s quality, regardless of its quality at the time of reception. RCW 90.54.020(3). Ecology’s rules also require that (1) all discharge permits be conditioned so they meet water quality standards and (2) no permit can be issued that causes, or contributes to, a violation of water quality standards. WAC 173-201A-510(1) and (3), 173-226-070(2)(b) and (3).

Permittees can use a set of tools known as BMPs to meet the AKART treatment requirements and to address contributions to polluted conditions. BMPs are the primary avenue to control and regulate stormwater. WAC 173-201A-510(3). Indeed, Washington water regulations instruct that BMPs “shall be applied so that when all appropriate combinations of individual [BMPs] are utilized, violation of water quality criteria shall be prevented.” WAC 173-201A-510(3)(b). Further, “activities which cause pollution of stormwater shall be conducted so as to comply with the water quality standards.” WAC 173-201A-510(3)(c).. Therefore, an AKART analysis begins by determining applicable BMPs. Where AKART alone does not ensure that discharges authorized by the permit do not cause or contribute to violations of standards, Ecology’s rules explicitly require whatever action is necessary to meet the Washington Water Quality Standards, even if those limits surpass the standard technological controls. WAC 173-226-070(3)(a).

Under this regulatory framework, Ecology must require BMPs that meet the MEP and AKART standards of treatment and as necessary to ensure that stormwater discharges do not cause or contribute to standards violations.

A. The Draft Permits Fail to Apply AKART, Specifically Biofiltration, to Discharges of 6PPD-q.

The Permits fail to require implementation of biofiltration—a technology that can eliminate 6PPD-q, a chemical that is lethal to salmon, for all stormwater discharges to salmon streams. Biofiltration is AKART for salmon mortality and is required under Washington law.

Prespawn mortality in salmonids, particularly in coho salmon, is a long-observed phenomenon in Puget Sound. For decades, salmon have exhibited Urban Runoff Mortality Syndrome (“URMS”) or when fish show signs of distress, including surface swimming, gasping, and loss of equilibrium. After storm events, observers noted salmonids displayed symptoms of

acute toxicity from exposure to roadway runoff. Those salmonids exhibited signs such as mouth gaping, swimming in circles, and other signs of neurological distress in the fish.

6PPD-q is a transformation chemical of 6PPD, a tire anti-degradant and anti-ozonant. 6PPD-q is released from normal wear and tear on tires, and the transformation process occurs when 6PPD meets with ozone in the air and transforms into 6PPD-q. 6PPD-q causes instantaneous pre-spawn mortality in otherwise healthy adult coho salmon—which are the most sensitive fish to 6PPD-q. 6PPD-q also causes sublethal acute toxicity from 6PPD-q in Chinook and steelhead.

1. Biofiltration is AKART.

AKART requires the “most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge.” WAC 173-201A-020. Bioretention technology has been known and used in stormwater permitting for decades now. In 2012, Ecology, based upon published research, identified the solution to salmon mortality—biofiltration. Ecology was therefore legally obligated to require biofiltration to protect salmon as AKART in the Permits in 2013 and again in 2019, but failed to do so. Ecology cannot avoid the requirements of the law yet again.

Driven by technology and reasonability, AKART demands Ecology to consider the universe of known treatments for stormwater that is killing salmonids and apply the available and reasonable methods of pollutant treatment to save salmon. Plainly, biofiltration is AKART. Because of the organic makeup of the porous material in the biofilter, it is readily available. Biofiltration is also reasonable because its generation costs are low, and its technology is feasible.

Yet, these Permits fail to require biofiltration as AKART for 6PPD-q and the protection of salmon. For example, in the SMAPs section, the Permit instructs Permittees to describe the stormwater facility retrofits needed for the area, including BMP type and preferred locations—and even suggests tire wear particles as potential pollutants. Under the statutes and regulations it is Ecology’s obligation, not the permittees’, to define and require the application of AKART to stormwater discharges to salmon streams. Moreover, there is no need to lengthy delay in identifying the proper technology: biofiltration is AKART. But the Permit stops short of requiring biofiltration, thereby failing to require AKART. The Permits must require biofiltration of all stormwater discharges in salmon streams (both those that currently have salmon and those that have had salmon in the past) as AKART.

2. AKART must include enforceable compliance timelines within the Permits.

Compliance with the AKART requirement must include timelines with enforceable deadlines, and those timelines must ensure ongoing forward progress. The Permits should include the following requirements to comply with state law:

- One year from the date of permit issuance, each permittee must have identified and designed biofiltration for 10% of that permittee’s total outfalls to salmon streams. Each permittee must then identify and design biofiltration for an additional 10% of that

permittee's total outfalls for each year thereafter until 100% of outfalls have full, functional biofiltration in place;

- Not less than two years from the identification and design of biofiltration projects (and not less than three years from the date of permit issuance for the first 10% of outfalls identified and designed for biofiltration), each permittee shall begin the installation of the biofiltration projects identified;
- Biofiltration projects' construction and installation must be completed within one year of commencing construction and installation.

In sum, because the AKART standard necessitates the use of biofiltration and the Permits fail to require it, they fail to satisfy the state requirement for AKART to prevent salmon mortality from roadway runoff. If the Permits do not meet the AKART standard for stormwater management, these Permits also fail to reduce the discharge of pollutants to the MEP.

B. The Existing Development Point System Is Not MEP.

There are many deficiencies in the Permits' point requirement—the Permits' current points requirement is far too low, points are awarded for inaction, and the points system wrongly affords Permittees excess discretion.

First, the Permits must increase the number of points Phase I Permittees must obtain. Currently, the SMED program requires Phase I's to achieve 750 SMED Program Points (S5.C.7.d.), referred to as the "defined level of effort" in App. 12 at 1. The Permit should require an increased number of 1,500 points by December 31, 2027, to start making a real difference in the overall quantity and quality of pollutants discharged to Puget Sound streams. To that same end, all points must be from projects in the maintenance and completion stage to ensure that points are only awarded for change that actually makes a difference to streams and the Sound.

Ecology must entirely eliminate the possibility of Permittees earning design-stage points. Design-stage points are offered for merely planning and intent, with no implementation required and therefore make no actual difference on the ground and do not ensure that a project that does make a difference is actually implemented. Ecology should reward points only for completed and in-progress projects.

Similarly, the Permits cannot reward municipalities solely for "helpful" practices. That is, the Permits must eliminate practices that do not seriously function as a structural stormwater control that actually reduces pollutants in stormwater discharges. These actions are simply methods of contaminant movement and containment rather than retrofitting and treatment. The Permit should only reward municipalities points for taking meaningful and effective action, such as undoing development to increase natural stormwater infiltration, increasing greenspace by replacing concrete and other impervious surfaces, and end-of-pipe biofiltration. By doing so, the Permits would incentivize long-term, meaningful change.

For example, Ecology should eliminate points for projects "reaching a milestone of collaboration." App. 12 at 6. There is no reason that collaboration between entities—especially

collaboration that may never manifest into an actual funded project—should be awarded any point factor. Similarly, Ecology must eliminate the concept that “Permittees can gain SMED Project Points for planning and funding[.]” App. 12 at 11. Soundkeeper does not intend to attack implementation points—as implementation could be on-the-ground change—rather where entities are rewarded merely for talking to each other.

Similarly, Ecology should remove watershed collaboration alone as a way to obtain points. App. 12 at 13. The Permit offers points for a signed collaborative agreement regardless of whether the agreement reduced pollutants in stormwater at all much less to MEP or AKART. There is no requirement that the agreed upon project be implemented within enforceable permit deadlines. This fails to ensure meaningful change and only memorializes that two entities decided to work together. Ecology is simply awarding points for good intentions.

Finally, street sweeping must be eliminated as a method of generating points entirely. As S5.C.10 (the Operations and Maintenance Program section) points out—street sweeping is a required activity. If street sweeping is truly an effective way to keep salmon from dying, then the minimum measures should include as much street sweeping as possible in order to meet MEP. But Ecology knows that is not the case—street sweeping is minimally effective and is not AKART for protecting salmon.¹ Rather, the Permits should substantially increase the minimum street sweeping measures to get the most of this limited approach and remove it entirely from the points system. Under the current Permit terms, Permittees can easily surpass the minimum measure floor of required street sweeping five times a year, and thus, this would enable Permittees to rack up points for the same practice repeatedly with little to nothing to show in terms of actual on the ground change in the built environment. Street sweeping must be removed from the point system, and it must be increased infrequency in the minimum measures.

C. Larger Phase II Permittees Must Have a Defined Points Requirement.

The Permits continue to arbitrarily allow very large Phase II’s to escape stormwater control requirements that are plainly MEP.

There are several differences between the Phase I and Phase II stormwater permits with much weaker requirements, generally, in the Phase II permits. One difference that stands out is what to do about the existing built environment that has caused so much damage and that continues to adversely affect streams and the Sound. While EPA originally developed separate categories over 20 years ago, nothing requires that to continue to be the case 20 years on and the original administrative convenience must be balanced against the MEP and AKART requirements. Nor does anything require that all Phase II municipalities be treated the same within a permit, especially where doing so allows larger Phase II dischargers to escape state law requirements for AKART and allows pollution from many heavily built areas to continue

¹ Section S5.C.10.f. mandates that “high priority areas” such as “areas with significant tire wear, e.g., roundabouts, high traffic intersections, municipal-operated parking lots” (f.i.(c)) are swept “at least quarterly and at least once between July and September each year” (f.ii). Weaker still, the Phase I Permit only requires one sweeping event for the calendar year 2027. S5.C.10.f.

unabated. Every stormwater pollution discharger, large or small, must still be held to the statutory standards of AKART and MEP.

The Phase I SMED points system has no analog in the Phase II Permit. That is, it has no section requiring any minimum level of effort by Phase II permittees to address the vast amount of stormwater pollution from the already-built environment. This is true regardless of the Phase II city's population size, geographic size, population density, the amount of impervious surface, and growth between the 2010 and 2020 census of the Phase II city. The lack of any minimum requirement for addressing the built environment applies equally to Bellevue, Everett, and Kirkland as it does to Sedro-Woolley, Lynden, and Duvall. The failure to include minimum levels of effort on a similar point system for at least the largest (or most densely populated) Phase II permittees does not meet the requirements of MEP and AKART and is arbitrary.

Some Phase II's far surpass the initial threshold for Phase I's of a population size of 100,000 making the application of much weaker permit requirements to them than the Phase I's unfair and arbitrary. Specifically, to meet MEP requirements, the Permits must include the larger Phase II municipalities in the existing development required points system. Which Phase II municipalities must participate in the point system could be discerned by population size and/or acreage or square feet of land cover with impervious surface. This list might consist of the larger east side cities such as Redmond, Bellevue, and Kirkland, South Sound municipalities such as Burien, SeaTac, Normandy Park, Renton, Kent, and in the North Sound between Seattle and Everett like Lynnwood, Edmonds, and Mukilteo.² It is arbitrary and contrary to applicable law for the larger municipalities, e.g. Bellevue and Everett, to escape MEP and AKART and be treated the same as, for example, Duvall and Sedro-Woolley.

AKART and MEP are statutory standards. Neither one includes a complete carve-out for certain polluters and permittees. Instead, AKART must be required in permits to control pollutants in stormwater discharge. RCW 90.48.010. Ecology may determine that AKART should be applied differently for polluters operating under different conditions—but it cannot automatically excuse all Phase II permittees of minimum levels of effort for addressing stormwater pollution from the built environment.

Ecology must determine whether excusing all Phase II permittees, regardless of size, population, impervious surface, and growth, from minimum requirements to control stormwater from the built environment is AKART and MEP—Soundkeeper maintains that it is not. Ecology's failure to engage in analysis and determination of whether some Phase II's, at least,

² Populations of the largest Western Washington cities—with populations over the 100,000 mark—as of the 2020 census are: Seattle 737,015; Tacoma 219,346; Vancouver 190,915; Bellevue 151,854; Kent 136,588; Everett 110,629; and Renton 106,785. Source: Washington State Office of Financial Management. https://ofm.wa.gov/sites/default/files/public/dataresearch/pop/april1/ofm_april1_population_final.pdf. Among the fastest growing cities in all of Washington are Kirkland, with a present population of 92,175, Kent, and Redmond (population 73,256). *Id.* By comparison and by example, Duvall, also a Phase II city, had 8,034 people in 2020, several orders of magnitude less than cities like Bellevue and Everett.

should be required to make a minimum and measurable level of effort on addressing stormwater from the built environment, like Phase I permittees, has been practiced for far too long and must end in the 2024 Phase II Permit.

D. Watershed Planning and SMAPs Must Include Specific, Actionable, and Timely Objectives, Not Just Planning.

There is no value in watershed planning and taking inventory if these measures do not result in on-the-ground actions. To achieve progress on watershed planning requirements, Ecology must provide municipalities with effective and robust methodology guidance to support each permittee's efforts based on the uniqueness, data, and resources within each municipality and the related watershed. Soundkeeper has repeatedly offered Ecology exemplar frameworks for previous iterations of the Permits and continues to do so here.

First, Phase I and II's must be required to implement their SMAPs within the 2024-2029 Permits cycle, not simply plan and leave plans on the shelf. SMAPs should contain specific, measurable, and attainable recommendations and requirements on land use planning, health of aquatic species, and ensuring transparent public processes for frontline communities and other environmental justice principles. Finally, Ecology must provide Permittees with clear expectations on the outcomes of the actions in Permittees' SMAPs, such as measurably improved outflow of water quality, increased public participation in land use and watershed planning, and increased health of aquatic ecosystems in the watersheds.

Second, Section S5.C.6.d.ii allows for Permittees to develop an SMAP for one new single sub-basin or catchment area or additional actions for an existing SMAP located within the geographic regions for which watershed-scale stormwater plans were developed in the 2013 Permit. If Permittees choose the additive option, they must revise the previous SMAP submitted in 2022. Phase I Permit at 22. Ecology must replace the "or" with an "and" to make Permittees act proactively on watershed planning and to ensure that the permits increase in stringency over time to make progress on the long-term problem of stormwater pollution. The additive option cannot exempt Permittees from doing more on their part. SMAPs, planning devices set in 6- and 20-year increments, must be concurrently completed by Permittees.

Further, the Permit states in S5.C.6.d.ii(d) that Permittees shall identify specific actions in their SMAPs that "support other specifically identified stormwater management strategies and actions"—including BMP types and "preferred location and projects to address transportation-related runoff, such as tire wear pollutants." The Permit inexplicably stops short of listing biofiltration—the most effective BMP against 6PPD-q. The Permit should explicitly list biofiltration as a required BMP in the upcoming SMAPs to impose an affirmative obligation on Permittees to address transportation-related runoff like tire wear particles in their 2024-2029 SMAPs.

Third, for the 2024-2029 Permits, no later than December 2026, Permittees must list additional actions to ongoing/preselected SMAP areas and require that, no later than December 2027, Permittees must develop a plan for two new SMAP areas, at least one of which must be a watershed with salmonid-bearing streams. If a Permittee has no salmonid-bearing streams in its coverage area, the SMAP Area selected must be in an environmental justice (or "overburdened")

community. Ecology should integrate the federal EJSscreen tool, Climate Justice screening tool, and/or Washington’s own environmental justice indices screening tools, like the Washington Environmental Health Disparities Map Project, to ensure Permittees use data-based decision-making to guide environmental justice actions.

Finally, long-range planning, a distinct but overlapping concept with watershed planning, must be incorporated into the Permits. Ecology must cease the constant after-the-fact reaction to overdevelopment and increased stormwater issues and instead require Permittees to proactively plan beyond the subdivision and plat scale to account for time and climate-appropriate stormwater regulation. Since the 2008 Permits, Ecology has expended minimal effort to consider long-range growth and development in stormwater permitting. As a result, Soundkeeper has yet to see substantial change nor even measurable progress toward stormwater minimization through controls on development, on a regional level. Ecology must revisit the long-range planning process and, specifically, whether the Permits must require more specific, granular obligations from Permittees to effectuate long-range planning.

E. The Permits Provide Unnecessarily Long Windows of Time to Meet Basic Requirements.

Overall, the Permits provide significantly more time than needed for Permittees to meet various obligations, resulting in years of inaction for minimal on-the-ground results. It is past time, four permit cycles in, for change on the ground to start happening.

For example, first, in S5.C.2.b.i, Permittees are given up until March 31, 2026, to submit locations of all known MS4 outfalls—which is an additional two years for a Permit requirement that has been in place for prior permits extending to 2008. If Permittees have failed to comply with prior permit requirements of the last decade and a half, Ecology should commence enforcement, not give them yet more time. Permittees should show evidence of compliance within six months of permit issuance or Ecology must commence enforcement.

Second, in S5.C.2.b.ii, Permittees are given until 2027 simply to “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 Permit.” But a straightforward task like merely *developing a methodology* to map and assess—and not the actual implementation of mapping and assessment—should not require three years, especially because, again, Permittees should have been keeping track of at least part of this information (discharge points) under all prior versions of the Permits.

Third, in S5.C.2.b.iii, Permittees have until December 31, 2028, merely a year before the next Permit iteration, to map out beyond the previously mapped areas. Ecology is, without reason, providing Permittees four years—an arbitrary amount—for a mapping task that can be done concurrently with the other new mapping requirements. Soundkeeper recommends 18 months to begin and have meaningful completion of at least a segment of new mapping requirements. The same requirement—again, without reason, is made of Phase II permittees as well. *See* S5.C.4.b.ii.

Finally, street cleaning (i.e., street sweeping) was listed as an activity for Permittees to implement in the 2019 Permit (2019 Permit at 27). S5.C.10.f in the 2024 Permit inexplicably provides until 2027 for Permittees to “develop and implement a municipal street sweeping program.” Again, street sweeping has been a required minimum measure since 2008. Permittees do not need three years to simply develop a program for continuing to sweep streets.

F. The Permits Fail to Ensure That Discharges Authorized by These Permits Do Not Cause or Contribute to a Violation of Water Quality Standards.

As set forth above, Washington law is clear that (1) all discharge permits be conditioned so they meet water quality standards and (2) no permit can be issued that causes, or contributes to, a violation of water quality standards. WAC 173-201A-510(1) and (3); 173-226-070(2)(b) and (3); RCW 90.48.520.). For general stormwater permits, BMPs must be required and applied to ensure discharges do not cause or contribute to violations of water quality standards. WAC 173-201A-510(3)(a) and (b). Ecology’s rules require that.

Several streams in Washington are listed as impaired on the Clean Water Act’s 303(d) list, meaning that the water fails to meet one or more water quality standards. 33 U.S.C. § 1313(d). Since 2008, Washington’s 303(d) list of impaired waters has grown and waterbodies in Western Washington have been added to the list for pollutants found in stormwater. And yet, there are no Permit requirements specified for permittees with stormwater discharges that plainly contribute to these identified violations of water quality standards to ensure that those discharges are not contributing to ongoing water quality violations and worsening water quality.

Section S4 of the Permits should be strengthened to ensure the requirements of Washington law are being met. Currently, Section S4 simply repeats the exact language of the law without “ensuring” that discharges do not contribute to polluted conditions. That is a type of self-regulation that has been rejected both by federal courts and the Pollution Control Hearings Board repeatedly. Instead, Ecology should provide for the following changes to Section S4:

1. For all outfalls or discharges from an MS4 to a salmon-bearing stream, the Permit must require implementation of biofiltration on a compliance schedule with interim enforceable deadlines as set forth earlier in this comment letter;
2. For all known outfalls or discharges from an MS4 to a currently 303(d) listed waterbody, the Permit must identify and require implementation of additional controls necessary to ensure that the outfall or discharge is not contributing a pollutant for which the receiving water is listed and the implementation of additional controls must include a compliance schedule with interim enforceable deadlines within the five years of the Permit;
3. During the term of the Permit, in the event a Permittee determines that an outfall or discharge from its MS4 is causing or contributing to a violation of a water quality standard in addition to or other than outfalls or discharges identified in number 2 above, the Permittee must immediately report the outfall or discharge and the pollutant and waterbody condition to Ecology and the Permittee must, within 90 days thereafter, identify to Ecology the additional BMP(s) that it will implement to correct

the situation and the Permittee must commence implementation of the corrective action not later than six months thereafter unless informed by Ecology, in writing, of a different corrective action;

4. In the event that a party other than a Permittee reports to Ecology that an outfall or a discharge from a Permittee's MS4 is causing or contributing to a violation of a water quality standard, Ecology shall immediately so notify the Permittee in question and the Permittee must, within 90 days thereafter, identify to Ecology the additional BMP(s) that it will implement to correct the situation and the Permittee must commence implementation of the corrective action not later than six months thereafter unless informed by Ecology, in writing, of a different corrective action.

At least until TMDLs are in place for these impaired waters, the Permits must include specific requirements that impose an affirmative obligation on Permittees to do more than simply wait. Open-ended adaptive management has not borne fruit in terms of preventing or mitigating water quality violations—and, in some cases, even worsens the ongoing violations. Accordingly, the Permits must include specific provisions for Permittees to ensure they are not causing or contributing to ongoing water quality violations.

Conclusion

The Permits fail to apply AKART to address stormwater runoff and prevent salmonid mortality in a time where salmon are becoming increasingly scarce. The Permits also fail to impose necessary steps to reduce pollutants in stormwater to the maximum extent practicable. The health of our waterways and species depends on it. The Permits are insufficient on several grounds and thus enable several violations of the law—and worse, exacerbate the conditions for salmonid mortality. The longevity of a keystone species—particularly coho salmon, Chinook salmon, and steelhead trout—of our region requires Ecology to require, demand, and expect more from Permittees for effective stormwater regulation.

Ecology must revisit these Permits and amend them to address the issues outlined herein. Thank you for this opportunity to provide feedback on the Draft 2024 Municipal Stormwater Permits.

Respectfully submitted,



Noorulanne Jan
Janette K. Brimmer
Earthjustice
810 Third Avenue, Suite 610
Seattle, WA 98104
(206) 343-7340
njan@earthjustice.org
jbrimmer@earthjustice.org