

Addendum to Part IV: Response to Comments on the Phase I Annual Report Questions for Cities and Counties

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See Part I of the Response to Comments (RTC) for additional comments on the Phase I permit that also apply to at least one other permit. See Part IV of the RTC for additional comments on the Phase I permit. See Part V of the RTC for Phase I and Western Washington Phase II comments on Appendix I, Low Impact Development (LID), and watershed-based stormwater planning.

Index of Commenters

Commenter Name	Signatory	Issue Number
City of Seattle	Ray Hoffman, Peter Hahn, Diane Sugimura , Nancy Ahern	Part IV - A.2, A.3, A.4, A.5, A.6, A.7, A.8
City of Tacoma	Geoffrey Smyth, PE	Part IV - A.2, A.3, A.7
Clark County Board of Commissioners (Clark County)	Marc Boldt	Part IV - A.1, A.2, A.4, A.5, A.7
Snohomish County	Bree Urban	Part IV - A.1

IV-A.1 General Comments

Permit reference: Appendix 12 – Annual Report Questions for Phase I Cities and Counties

Commenters: Clark County, Snohomish County

Summary of the range of comments

- Revise the Annual Report Form to reflect any changes made to the language in the body of the Permit.
- This is a helpful simplification of the permit language for annual reporting. Anything done to simplify the reporting is appreciated.

Response to the range of comments

- Ecology revised Appendix 12 – Annual Report Questions for Phase I Cities and Counties to reflect changes made to the language in the body of the Permit, for brevity, and for clarity.

IV-A.2 Comments Resulting in Revisions

Permit reference: Appendix 12 – Annual Report Questions for Phase I Cities and Counties

Commenters: City of Seattle, City of Tacoma, Clark County

Summary of the range of comments

- **Draft questions #28, #39, #46, #50, and #66:** Use consistent language for all five staff training questions on the annual report. For example: “Implemented a training program to train (relevant staff) to conduct the activities referenced in Section #####.”
- **Draft question #39:** substitute “designed to accomplish that” for “that ensures,” consistent with other comments.
- **Draft questions #75, #79, #87:** These questions are unclear and could be interpreted to be asking if staff from Permittees participated on the SWG or SWG subcommittees. Revise these questions to read: “*Paid the annual payment amount to Ecology for implementation of the Regional stormwater monitoring program (RSMP) for #####? List the payment amount in the comments field.*”
- **Draft question #40b:** Phase I permittees reported and made needed code revisions as part of their part I and II applications back in the 1990s.

Response to the range of comments

- Ecology revised annual report questions related to training to make them as consistent as possible while still being consistent with the language in the body of the permit.

- Where appropriate, Ecology revised annual report questions on monitoring to refer to submitting payment.
- Ecology revised the annual report questions related to updating regulatory mechanisms to prohibit illicit discharges.
- Ecology retains the term “municipally” in annual report questions. All Phase I Cities and Counties are municipalities.

IV-A.3 Comments Suggesting Adding Language to Annual Report Questions

Permit reference: Appendix 12 – Annual Report Questions for Phase I Cities and Counties

Commenters: City of Seattle, City of Tacoma

Summary of the range of comments

- **Draft questions #21 - #23:** Add “that meet the permit thresholds” to qualify number of sites inspected and enforcement actions taken.
- **Draft question #68:** Revise to read: “Implemented a Stormwater Pollution Prevention Plan for all identified heavy equipment maintenance and storage yards, and material storage facilities per S5.C.9.g?”
- **Draft question #11 & #12:** The Permit section addressed by this question (S5.C.3.b.i) contains a statement that “failure to effectively coordinate is not a permit violation provided other entities, whose actions the Permittee has no or limited control over, refuse to cooperate.” Draft question #11 and #12 should have a similar disclaimers and be revised to match the permit.
- **Draft question #19:** For consistency with the permit, insert “submitted to Permittee” after “Reviewed Site Stormwater Plans.”
- **Draft question #20 & #21:** For consistency with the permit, insert “that meet the thresholds in S5.C.5.a and” after “permitted development sites.”
- **Draft question #27:** For consistency with Ecology’s proposal to revise the permit, insert “as applicable” after “available.”
- **Draft questions 59, 59b, 59c, 60, 63:** For consistency with the permit, substitute “Permittee-” for “municipally.”

Response to the range of comments

- Ecology considered these comments but for brevity did not make suggested edits that would have added language to the annual report questions. In numerous annual report questions Ecology uses the term “per” to indicate that Permittees should refer back to language in the

body of the Permit to determine additional clarifications related to the annual report question; such as thresholds, knowledge limitations, and other disclaimers.

IV-A.4 Comments on Draft Questions #3

Permit reference: Appendix 12 – Annual Report Questions for Phase I Cities and Counties

Commenters: City of Seattle, Clark County

Summary of the range of comments

- **Draft Question #3:** The Question as written implies that Ecology is requiring Permittees to include in the annual report the costs or estimated cost of developing and implementing the SWMP. In contrast, the permit, section S5.A.2 states: “Each Permittee shall track the cost or estimated cost of development and implementation of each component of the SWMP. This information shall be provided to Ecology upon request.” Remove from the Annual Report draft question #3 the language “including costs or estimated costs of developing and implementing the SWMP.” If it is Ecology’s intent that Permittees provide cost information in each annual report the permit language in S5.A.2 should be changed to reflect this desire.
- **Draft Question #3:** The requirements to report that a permittee has complied with ongoing permit requirements such as tracking expenses appears unneeded if it is a standard activity performed by all municipalities.

Response to the range of comments

- Ecology disagrees that this annual report question implies that Permittees should include cost or estimated cost within their annual report. Ecology’s intent is to find out if Permittees are implementing this ongoing cost tracking program. If Ecology requests information related to cost, development, and implementation of a specific SWMP component (or each SWMP component) Permittees that answer “yes” to this question should be able to provide this information within a reasonable timeframe.
- Ecology believes that this question is needed and necessary. This question asks for information beyond just normal tracking of expenses. Permittees should be specifically tracking the cost or estimated cost for each component of their SWMP. Also, since many Phase I Permittees have multiple departments that assist in implementing portions of components of the SWMP having a program in place for tracking this cost across departments is critical.

IV-A.5 Comments on Specific Draft Annual Report Questions

Permit reference: Appendix 12 – Annual Report Questions for Phase I Cities and Counties

Commenters: Clark County, City of Seattle

Summary of the range of comments

- **Draft question #26:** Building permit-related stormwater inspections for projects triggering only MR 1-5 are a large fraction of permittee inspections but are relatively simple. Subdivisions and commercial/industrial/multifamily development projects are the most complex and demanding, triggering MR 1-9. It might be appropriate to only report the number of inspections for projects that trigger MR 1-9.
- **Draft question #49:** This question requires that Permittees attach a summary of actions taken to implement S5.C.8.c. (characterize, trace and eliminate illicit discharges found or reported to the Permittee). Requiring permittees to attach this information to the Annual Report is not necessary as this information has little utility outside of the jurisdiction that it is generated in. This information is not necessary and is better served by maintaining draft questions #55 - #61, which require Permittees to quantify the actions taken in S5.C.8 rather than list the actions.
- **Draft question #37:** This question requires that Permittees attach a summary of actions taken to implement the source control program per S5.C.7.b.iii and S5.C.7.b.iv. Does Ecology intend that the Attachment contain a list of the businesses provided BMPs (S5.C.7.b.iii(1), a list of businesses inspected to meet the 20% requirement (S5.C.7.b.iii(2)), a list of complaint-generated inspections (S5.C.7.b.iii(3)) and a list of all enforcement actions (S5.C.7.b.iv)? If this is the intent, this information is not necessary and is better served by maintaining draft questions #41-47, which require Permittees to quantify the actions taken in S5.C.7 rather than list the actions by business or site.

Response to the range of comments

- Ecology understands the differences in complexity for inspections of projects having to meet minimum requirements #1 - #5 versus projects that have to meet minimum requirements #1 - #9. However, Ecology prefers to know the total number of construction-related inspections completed by Phase I Permittees.
- Ecology finds the attached summary of actions to implement S5.C.8.c helpful in understanding each Permittee's illicit discharge detection and elimination (IDDE) program and therefore this question is necessary.
- Ecology does not intend for Permittees to attach multiple lists related to their source control program. Ecology does want a summarized overview of the actions the Permittee complete to implement the program.

IV-A.6 Comments Related to the Stormwater Management Program Report (SWMPR)

Permit reference: Appendix 12 – Annual Report Questions for Phase I Cities and Counties

Commenters: City of Seattle

Summary of the range of comments

- **Draft question #14:** This question asks if a Permittee has posted their updated SWMPR and latest annual report on their website no later than May 31. This question will be difficult to answer for the as the Annual Report form is due to Ecology each year no later than March 31, and May 31 will occur after submittal of the Annual Report. Seattle suggests that Ecology clarify this question to specify that the web posting was on May 31 for the SWMPR and Annual Report from the previous year.
- **Draft Question #41:** This question requests that Permittees cite their IDDE methodology that were used in the Comment Field. The current Annual Report form has limited capacity (50 word limit) in the comments field. Because permittees will be documenting their IDDE activities in the SWMPR, it is reasonable to require Permittees to include their IDDE methodology in the SWMPR and reference to it in the Annual Report. Ecology should clarify the question and change the language to “*list the page(s) of the IDDE methodology in the SWMPR in the comments field.*”
- **Draft Question #69:** Seattle requests that Ecology eliminate question 69 or change the question to read “ *Documented in the SWMPR public education and outreach programs and stewardship activities conducted per S5.C.10.a, b and c?*”
- **Draft Question #34:** This question requires that Permittees attach an updated list of planned, individual projects scheduled during this permit term with the information specified in Appendix 11. It is unclear if this attachment is different from the information that Permittees are required to provide in the Appendix 11- Structural Stormwater Controls Project List. Ecology should clarify the intent of the word “Attach”, that is, is the deliverable a standalone document attached to the Annual Report or should it be included as part of the SWMPR. Alternatively, Ecology could prepare an input sheet on Ecology’s WAWebDMR web site that will facilitate entering the data specified in the Appendix 11- Structural Stormwater Controls Project List and specify that this is the Annual Report submittal requirement. Also, please correct the section reference to read “S5.C.6.c.”

Response to the range of comments

- Ecology agrees that all questions on the annual report refer to the previous calendar year, including posting of the annual report by May 31. Ecology did not add additional language to this annual report question.
- Ecology agrees that attachments requested in the annual report form may be included in the Permittee’s Stormwater Management Program Plan, with notations in the comments field directing the reader to the appropriate section of the Plan.

- The attachment required by draft question #34 (question #36 in the final Phase I Permit) is the same information that Permittees are required to provide in Appendix 11. Ecology intends to provide additional guidance to Permittees prior to the first required submittal of this information. Ecology will consider providing an input sheet for this information on WAWebDMR; submittal within Permittees' SWMP Plans may also be appropriate.

IV-A.7 Comments on Draft Questions that Ecology Deleted in the Final Permit

Permit reference: Appendix 12 – Annual Report Questions for Phase I Cities and Counties

Commenters: City of Seattle, City of Tacoma, Clark County

Summary of the range of comments

- **Draft question #4:** This is unclear. Wouldn't the permittee be implementing all of its SWMP?
- **Draft question #5b:** Please add "(S5.C.2.a)" to the end to clearly identify the permit section.
- **Draft question #10:** Seattle suggests that Ecology add the following text to the question "within Permittees' jurisdiction" after "identifying all departments."
- **Draft question #24:** For consistency with the permit, insert "permanent" before "stormwater facilities." Substitute "verify" for "ensure," consistent with Seattle comments.
- **Draft Question #70:** Eliminate the "new" designation from the subject area and audience that may be monitored. The value of a short period of initial monitoring of a new program may not be as valuable to Permittees in guiding program assessment and updates as a longer period of evaluation and data collection on an existing program.

Response to the range of comments

- Ecology deleted the draft questions that the above comments refer to based on changes to the main body of the permit, or because the questions did not or would not provide useful information.

IV-A.8 Comments Suggesting Changes to Annual Report Questions Based on Other Comments Provided

Permit reference: Appendix 12 – Annual Report Questions for Phase I Cities and Counties

Commenters: City of Seattle

Summary of the range of comments

- **Draft question #16:** Ecology should substitute “June 30, 2014” for “December 31, 2014,” to be consistent with other comments.
- **Draft question #29:** Substitute “June 30, 2015” for “December 31, 2014,” consistent with other comments.
- **Draft question #30:** Substitute “March 31, 2016” for “March 31, 2015,” consistent with other comments.
- **Draft question #42:** Substitute “10%” for “20%,” consistent with other comments.
- **Draft question #47:** Substitute “the Permittee’s MS3s” for “the MS4,” consistent with other comments.
- **Draft question #49:** Insert “into the Permittee’s MS3s” after “any illicit discharges,” consistent with other comments.
- **Draft question #86:** This should be a status report not interim results.
- **Draft question #89:** For consistency with the permit and with other comments, “substitute “Permittee’s MS3 of which the Permittee has knowledge” for “Permittees MS4.”
- **Draft question #92:** For consistency with the permit, substitute “MS3” for “MS4.”

Response to the range of comments

- Ecology considered these comments and made changes to the annual report questions to reflect changes made to the language in the body of the Permit. Please also refer to the Response to Comments sections that discusses the topics related to these questions.