

Project : Draft Western Washington 2013-2015 NPDES Phase II Municipal Stormwater Permit				Comments By: City of Renton	Date: January 27, 2012
Item #	Permit Section	Page number	Line #	City of Renton Comment:	
•	NPDES Permit Review Process and Permit Issuance	All	All	<ul style="list-style-type: none"> <li>Ecology’s proposed permit language and Appendix 1 includes numerous references to “Low Impact Development Standards” (LID) defined in the 2012 Stormwater Management Manual for Western Washington, the 2012 LID Technical Guidance Manual for Puget Sound, and the Rain Garden Handbook. The 2012 Ecology Stormwater Management Manual for Western WA came out for public review and comment on November 4, 2012, and the Low Impact Development Technical Guide for Washington was not available for review until January 2012. The Ecology manual contains the stormwater development standards that will likely become new permit requirements. Both the new NPDES permit and the adoption of all the documents are undergoing separate review processes with the same timelines. There is insufficient time and detail to evaluate and assess the costs and potential impacts of the requirements included in these technical manuals to adequately evaluate the requirements of the new permit language. Typically, Ecology would have already developed the manual, published it, and received public review and comment before such mandates become imbedded in the permit as proposed requirements. We are being asked to review the Draft WW Phase II Municipal NPDES permit language with insufficient time to understand the technical aspects of the new requirements, which is a backwards approach. By adopting these technical manuals prior to including their requirements in the new permit it would allow for a better review of the of the new permit requirements. Ecology’s proposal to develop and adopting these technical manuals concurrently with the issuance of the new 2012 NPDES permit, which will not become effective until August 2013, reduces or eliminates the time needed by jurisdictions to review and fully understand the implications of the requirements in these technical manuals and the requirements proposed in the new NPDES permit.</li> <li>Ecology’s concurrent process may be contrary to the State’s Administrative Procedure Act as it does not</li> </ul>	

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				<p>allow for the completion of important scientific, engineering and cost –benefit analyses of new requirements before they are proposed as conditions in the next permit.</p> <ul style="list-style-type: none"> <li>Many jurisdictions are struggling with the implementation of the current 2007 Phase II NPDES permit and adopted stormwater standards. It is unreasonable to expect a local jurisdiction to deviate from current NPDES permit requirements and regulate to higher standards on current economic conditions. More time is needed to fully assess the economic impacts to jurisdictions and the State of Washington of the current stormwater regulations before Ecology requires new or additional stormwater regulations. The cost of implementing new permit requirements will have a significant cost impact to jurisdictions and the benefit of implementing these is unknown.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>We recommend that Ecology delay the issuance of the proposed new NPDES permit for 5-years and just extend the current permit requirements for the next 5-year NPDES Phase II permit cycle. The increased regulatory burden that the proposed NPDES permit will place on counties, cities, property owners, business, and citizens will deter new economic growth and impact the ability to retain existing businesses and recruit new businesses to this state. This is the wrong course of action to take given these difficult economic conditions and current state, county and city budget problems. Jurisdictions are currently struggling to provide funding needed to meet the staffing, equipment, and other costs associated with complying with the current NPDES Phase II permit. The proposed new NPDES Phase II permit will make it even more difficult for jurisdictions to comply with the permit requirements and unnecessarily subject jurisdictions to liability. The current NPDES Phase II permit already far exceeds the minimum federal requirements as established by the EPA and to increase the regulatory requirements will only create more of an economic disadvantage to the State of Washington to retain existing business and recruit new business and will harm economic recovery.</li> </ul>

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•	S5.A.5.b	18	14 – 20	<ul style="list-style-type: none"> <li>Proposed permit language reads: <i>“Permittees shall include information in the first year annual report to identify all departments within the Permittee’s jurisdiction that conduct stormwater-related activities, the roles and responsibilities under this permit, and a current organizational chart specifying these departments <b>key personnel</b>”</i>. City personnel can change often making it difficult for jurisdictions to update the required matrix.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Replace permit language to read: <i>“Permittees shall include information in the first year annual report to identify all departments within the Permittee’s jurisdiction that conduct stormwater-related activities, the roles and responsibilities under this permit, and a current organizational chart specifying these departments <b>key positions</b>”</i>.</li> </ul>
•	S5.C.1.a.	19	31	<ul style="list-style-type: none"> <li>Proposed permit language reads: <i>“Dumpster maintenance for property owners”</i>. This language is too limiting.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Delete for property owners in order to keep language more general.</li> </ul>
•	S5.C.1.a.	19	3-6	<ul style="list-style-type: none"> <li>Ecology’s proposed permit language gives the impression that all audiences and all areas need to be educated on the stormwater problem and actions that can be taken to minimize the problem. This proposed requirement will result in an immeasurable increase in cost and additional resources. Since this permit will be the legal foundation to determine if a jurisdiction is compliant with its permit, permit language must contain specific deadlines for compliance and it should not be left to reader interpretation.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Revise permit language included in lines 8-9 to read as follows: <i>“education and outreach efforts shall be prioritized to target a minimum of one of the following audiences and subject areas”</i>.</li> </ul>
•	S5.C.1.c	20	15	<ul style="list-style-type: none"> <li>Proposed permit text reads: <i>“new targeted audience in at least one <u>new</u> subject area”</i>.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Please remove the word “new” in the two places it</li> </ul>

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				<p>appears in this sentence. Cities need to be allowed the flexibility to effectively manage their education and outreach programs, by making decisions on whether to reevaluate and update an existing program or evaluate a new program.</p>
<ul style="list-style-type: none"> <li>•</li> </ul>	S5.C.3	21	13-14	<ul style="list-style-type: none"> <li>• Proposed permit text reads: “The SWMP shall include an ongoing program to identify, detect, and remove and <u>prevent</u> illicit connections and illicit discharges into the MS4”.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>• Please remove word “prevent” as prevention is not possible in all cases. Revised text should read: The SWMP shall include an ongoing program to detect, identify and remove illicit connections and illicit discharges into the MS4.</li> </ul>
<ul style="list-style-type: none"> <li>•</li> </ul>	S5.C.3.a.iii	21	29-34	<ul style="list-style-type: none"> <li>• The City’s Surface Water Utility has developed and continuously updates a storm system GIS that shows the location and contains data of all known storm system infrastructure and assets associated with the City. The current program allows the City to isolate and contain IDDE problems and spills. The proposed permit language will require the implementation and construction of LIDs in all projects (when feasible) exceeding thresholds included in the 2007 NPDES permit. It is impossible to predict the number of LIDs that will be owned, operated, and maintained by the City after August 1, 2013, in order to comply with proposed permit requirements to implement and construct LIDs in projects resulting in more than 10,000 sf of impervious surface. However, we can anticipate that the cost of mapping these LID facilities will result in a significant increase in cost for staff time and resources.</li> <li>• Clarification on when will the requirement to map LIDs owned, operated, and maintained by the City is needed. The proposed permit language gives the impression that mapping of LIDs shall start in August 2013. This is unrealistic, since LIDs implementation and construction will be required after January 1, 2016.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>• Revise permit language included in lines 31-34 to read as follows: <i>“Permitees may rely on permanent stormwater control plans and as-built record drawings for mapping stormwater treatment and flow control</i></li> </ul>

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				<p><i>facilities/ BMPs provided they are spatially referenced to the MS4 map and maintained on an ongoing basis”.</i></p> <ul style="list-style-type: none"> <li>• Please clarify this statement or define “permanent stormwater control plans” so the reader doesn’t need to rely on the fact sheet to interpret.</li> </ul>
<ul style="list-style-type: none"> <li>•</li> </ul>	S5.C.3.b.v	24	30-41	<ul style="list-style-type: none"> <li>• To comply with proposed permit language, the City will need to review recently adopted King County Stormwater Pollution Prevention Manual (SWPPM) as amended by the City to reflect Ecology’s modifications to Volume IV of the 2005 Stormwater Management Manual for Western Washington. The City is currently implementing and enforcing source control BMPs included in the 2009 SWPPM that were determined by Ecology to be equivalent to BMPs included Volume IV of the 2005 Stormwater Management Manual for Western Washington. City staff, developers, and the general public are still getting familiarized with the minimum requirements of the BMPs included in the 2009 SWPPM and how to implement them. Reviewing proposed language included in Volume IV of the 2012 Stormwater Management Manual for Western Washington and updating local codes will result in a significant increase in staff time and resources and additional training to efficiently implement the new minimum requirements. More time is needed to fully review Volume IV of the 2012 Stormwater Management Manual for Western Washington and evaluate the financial impacts, review City policies and possible code changes.</li> <li>• Many jurisdictions are struggling with the implementation of the current 2007 Phase II NPDES permit and adopted stormwater standards. It is unreasonable to expect a local jurisdiction to deviate from current NPDES Phase II permit requirements and regulate to higher standards in the current economy crisis. More time is needed to fully assess the economic impacts to jurisdictions and the State of Washington of the current stormwater regulations before Ecology requires new or additional stormwater regulations. The cost of implementing new permit requirements will have a significant cost impact to jurisdictions and the benefit of implementing these is unknown.</li> </ul>

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				<p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Remove requirement from 2013-2018 permit cycle and incorporate proposed requirement into future 2018-2023 permit cycle. However, if required in this permit cycle (2013-2018), it should not be implemented until four years from the effective date of the 2013 permit.</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	S5.C.3.b.v	24 25	37-41 1-2	<ul style="list-style-type: none"> <li>Proposed permit text reads: “The compliance strategy should address the maintenance of permanent stormwater treatment, flow control facilities and catch basis which discharge to the Permittee’s MS4...”</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>This section duplicates requirements within section S5.C.4.c.i of this draft permit. Please remove this section from the IDDE portion of the permit.</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	S5.C.3.c.i	25 26	7-37 1-6	<ul style="list-style-type: none"> <li>New permit language will require inspection of at least 40% of MS4 by August 1, 2016 and 20% each year thereafter; which will require inspection of at least 80% of the MS4 during the permit cycle. Currently, there are 256.25 miles of pipe, and 14,751 catch basins in the City coverage area and it will be impossible to predict new components to the MS4 that will be constructed before the end of the future permit cycle. Also of concern is the introduction of the term ‘conveyances’ as a countable drainage feature. Ecology does not define ‘conveyance’. Is it a pipe, a ditch, or a road surface? If the definition includes more than pipes connecting between catch basins owned or operated by the Permittee, then that would increase inspection costs. The cost associated with staff, equipment, equipment maintenance, documentation, and record keeping are enormous, and the expectation of what is to be achieved is simply beyond what we consider reasonable.</li> <li>There is general agreement among Western Washington Permittees that using the Center for Watershed Protection IDDE guidance while expensive, was not effective for finding illicit connections and discharges, and that other routine parts of maintenance programs, such as CB inspections or systematic TVing of MS4 circuits, are more useful for identifying illicit discharges. The costs of an illicit connections field screening requirement as a separate permit activity greatly exceed the benefit. It would be more effective to integrate field screening into the existing maintenance and education programs with</li> </ul>

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				<p>field crews trained to spot signs of illicit connections during their inspection and maintenance operations.</p> <ul style="list-style-type: none"> <li>Where there is clear evidence of potential illicit discharge to warrant further investigation, techniques such as dye testing, TVing pipelines, or smoke testing (if feasible) to identify illicit connections are preferable to sampling because the randomness of pollutants makes the validity of the sampling doubtful.</li> <li>Building on existing public education, outreach and inspection programs is a cost effective alternative to field screening for illicit connections. Examples of valid program activities are existing business source control inspection programs, such as FOG inspections and Fire Department HazMat inspections of permitted businesses.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>Field screening for illicit discharges and illicit connections should be integrated into the MS4 inspection and maintenance program (permit section S5.C.5) and credit given for existing public education, outreach, and inspection programs that encourages and provide for reporting of illicit discharges. The focus should be on effectiveness rather than on quantity of investigations. A separate permit requirement for field screening imposes a separate program activity that would needlessly increase permit implementation costs. Experience from implementing the 2007 permit, has found that the task of field screening is more efficiently accomplished by continuing to train MS4 maintenance crews to look for evidence of illicit discharges during routine inspection and maintenance activities such as those required by Permit section S5.C.5. Existing business inspections programs should also be recognized as meeting the intent of Ecology’s proposed field screening requirement. Additional effective methods for identification of potential illicit sources would be through citizen reports of smell from the MS4 and from calls about IDDE incidents to the spills hotline.</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	S5.C.3.d.iv	27	36	<ul style="list-style-type: none"> <li>Proposed permit text reads: “All illicit connections to the MS4 shall be eliminated.”</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>Add the word <i>known</i> to read, “All <u>known</u> illicit connections to the MS4 shall be eliminated.” The</li> </ul>

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				existing language exposes permittees to too much liability.
•	S5.C.4.a.	29	21-27	<ul style="list-style-type: none"> <li>• To comply with new permit requirements, Cities will need to review current codes and ordinances to support LID and new permit requirements. There are many barriers that need to be addressed in order to increase the use of LID (where feasible) in the future. The Washington State Department of Ecology has been developing proposals to define LIDs and increase the use of LIDs by municipalities in the next NPDES permit cycle. The level of detail provided in the LID Stormwater Manuals (2010), NPDES permit and Stormwater Manual was insufficient to assess their engineering and practical application, identify maintenance requirements, or potential legal issues.</li> <li>• There is limited experience nationally and locally with implementation of LID facilities on a large scale over an extended time period. Steps to increase the use of structural LID facilities should proceed in conjunction with additional understanding and knowledge of the long-term implications.</li> <li>• There needs to be a comprehensive analysis of the life cycle cost of permeable pavement versus standard pavement to better understand the long-term cost of maintenance and replacement of permeable pavement. In addition, the additional cost of installing Low Impact Development measures (labor, equipment, and materials) for both the public and private sector needs to be analyzed to determine the cost to cities and counties and new economic development. It is unclear if the construction industry is prepared to provide the special materials (pervious concrete and pavement) at a reasonable cost and sufficient supply. Due to the lack of material supply and higher material cost, along with construction costs (labor and equipment), the construction cost increases to public projects and private economic development would impact our citizens, affordable housing, and cause new economic development projects to be financially unfeasible.</li> <li>• Jurisdictions are experiencing unforeseen financial hardship and do not have the staff or funding to revise, develop, and enforce new codes or regulations, or to</li> </ul>

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				<p>educate builders and developers on new permit requirements and LID implementation. Further, these additional costs will result in little to no net benefit in comparison to existing flow control BMPs identified in Appendix C of the 2009 King County Surface Water Design Manual.</p> <ul style="list-style-type: none"> <li>• Phase II municipalities recently adopted and are currently implementing manuals that are equivalent to the Ecology’s 2005 Stormwater Technical Manual. Many jurisdictions are struggling with the implementation of the current 2007 Phase II NPDES permit and adopted stormwater standards. It is unreasonable to expect a local jurisdiction to deviate from current NPDES Phase II permit requirements and regulate to higher standards in current economy crisis. More time is needed to fully assess the economic impacts to jurisdictions and the State of Washington of the current stormwater regulations before Ecology requires new or additional stormwater regulations.</li> <li>• Proposed permit language identifies a deadline of December 31, 2015 for adoption of the updated codes and technical manuals, as well as implementation of inspection and maintenance programs. This timeline only allows 2.5 years from the effective date of the permit to effect these changes, which are significant in nature and will require significant time for policy development and staff training. This timeline is insufficient to address this requirement.</li> <li>• Phase I jurisdictions will be required to adopt and implement LID strategies beginning no later than December 31, 2014. Phase II jurisdictions are required to adopt and implement LIDs by December 31, 2015. This timeline assumes that all Phase II jurisdictions will adopt the guidelines included in the 2012 Stormwater Manual and not another Phase I jurisdiction’s approved equivalent stormwater manual. The implementation timelines needs to allow sufficient time for a Phase II jurisdiction to adopt a Phase I jurisdiction’s equivalent stormwater manual and flexibility should be allowed if the Phase I jurisdictions do not meet their deadline.</li> <li>• Prior to the adoption of the permit and requiring higher stormwater standards, Ecology needs to play a role in coordinating education and outreach programs</li> </ul>

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				<p>between government and industry (developers, contractors, landscapers, suppliers, etc.), and across jurisdictions (such as departments and governments) to address short- and long-term cost/benefit analysis of LID implementation, and suggestions on how LID practices might be adapted in special environments (low-permeability soils, hill, and slopes). Neither the public nor local jurisdictions fully grasps the effects that the implementation of the proposed permit requirement will have on resources, infrastructure capacity, stormwater management, water quality, and cost of construction, maintenance and inspection. Prior to adopting the 2013 NPDES permit, Ecology shall provide help to jurisdictions in incorporating new stormwater requirements listed in Appendix I of the NPDES permit into a community's ordinances, solutions, and guidance in how to implement new permit requirements.</p> <ul style="list-style-type: none"> <li>• Vesting language included is clear in regards to projects approved prior to January 1, 2016. However, it does not address vesting for projects whose applications are under review and accepted as complete prior to January 1, 2016. Please provide clear vesting language to address projects under review and accepted as complete prior to the deadline. Said vesting language should be consistent with state law and legal precedent.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>• Remove requirement from 2013-2018 permit cycle and incorporate proposed requirement into the future 2018-2023 permit cycle. However, if required in the 2013-2018 permit cycle it should not be implemented until 4 years from the effective date of the 2013 permit.</li> </ul>
<ul style="list-style-type: none"> <li>•</li> </ul>	S5.C.4.b.iv and v	31	22-34	<ul style="list-style-type: none"> <li>• Proposed permit language will require jurisdictions to inspect all drainage facilities including LID BMPs upon completion of construction and prior to final approval or occupancy to ensure proper installation. The inspection of all LID facilities will have a significant cost impact to jurisdictions and the benefit of implementing these facilities is unknown.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>• Update permit language to require inspections of facilities including LID BMPs designed and constructed</li> </ul>

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				to comply with MR #7.
•	S5.C.4.c.i	32	8-11	<ul style="list-style-type: none"> <li>Propose permit language will require annual inspections of all stormwater treatment and flow control BMPs/facilities owned, maintain and operated by the City. The inspection of all LID facilities will have a significant cost impact to jurisdictions.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Remove requirement for adoption and implementation of codes and technical manuals from 2013-2018 permit cycle and incorporate proposed requirement into future 2018-2023 permit cycle. However, if required in the 2013-2018 permit cycle it should not be implemented until 4 years from the effective date of the 2013 permit.</li> </ul>
•	S5.C.4.c.i	32	19-23	<ul style="list-style-type: none"> <li>The 2007 permit requires inspections of new flow control and water quality treatment facilities for new developments that are part of a larger common plan of development, every six months during the period of heaviest house construction (i.e. one to two years following subdivision approval) to identify maintenance needs and enforce compliance with maintenance standards as needed.</li> <li>The proposed permit changes the duration of this inspection requirement to until 90% of the lots are constructed. This proposed language gives the impression that construction on the lots will occur right after subdivision approval and that construction on all the lots will happen simultaneously. Due to current economic conditions, some subdivisions are approved, but construction on the lots does not start until years after subdivision approval. And even after construction on the lots has started some lots do not get built into until years after the facilities are completed.</li> <li>Achieving 90% of construction on lots within the subdivision may take many years, including years with no construction on lots occurring. This requirement could extend biannual inspection requirements for decades for subdivisions until 90% of the lots are built out, while providing no additional protection to stormwater quality.</li> <li>Construction on lots requires sediment and erosion control BMPs. The annual inspection requirement is</li> </ul>

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				<p>sufficient to identify any maintenance needs.</p> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>Change inspection frequency to annual inspections, even during building construction on lots.</li> </ul>
<ul style="list-style-type: none"> <li>•</li> </ul>	S5.C.4.g.i	34	21-32	<ul style="list-style-type: none"> <li>To comply with new permit requirements, Cities will need to review current codes and ordinances to support LIDs. Phase I jurisdictions will be required to adopt and implement LIDs beginning 18 months (February 2015) after the effective date of the permit. Phase II jurisdictions are required to adopt and implement LIDs by December 31, 2015. This timeline assumes that all Phase II jurisdictions will adopt the guidelines included in the 2012 Stormwater manual and not another Phase I jurisdiction's approved equivalent stormwater manual. The implementation timelines needs to allow sufficient time for a Phase II jurisdiction to adopt a Phase I jurisdiction's equivalent stormwater manual and flexibility should be allowed if the Phase I jurisdictions do not meet their deadline.</li> <li>All ordinance, procedure, standard, and technical manual revisions related to development should be scheduled to occur at the same time. These tasks will represent a tremendous undertaking across multiple municipal departments.</li> <li>Mandating additional LID facilities and BMPs in all projects will be financially burdensome to private and public developments given the additional costs of site assessment, soils analysis, cost and availability of materials. Further, these additional costs will result in little to no net benefit in comparison to existing flow control BMPs identified in Appendix C of the 2009 King County SWDM.</li> <li>Making it mandatory to first implement dispersion, then infiltration if dispersion is not feasible, then rain gardens if dispersion or infiltration is not feasible, is overly prescriptive, time consuming, costly to the applicant evaluate feasibility. The sequencing requirement is not a reasonable requirement for project urban areas to have to go through where space limitations and soil conditions limit LID options. All LID measures should be allowed as a menu of options and</li> </ul>

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				<p>the applicant have the flexibility to implement the LID measures that they chose given feasibility and cost considerations.</p> <ul style="list-style-type: none"> <li>There are still many concerns related to LID design requirement, long term durability, maintenance requirements, risk of groundwater contamination, cost for construction, cost of maintenance, availability of material, inspection schedule, and tracking of these assessments.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Ecology needs to perform a comprehensive legal and cost analysis addressing the impacts of implementing these and all other requirements in the new NPDES Phase II permit to determine if there is a positive cost benefit ratio for having higher regulatory requirements and putting Washington state at an economic disadvantage when competing in a global economy. The cost benefit analysis shall evaluate the cost of implementing LIDs versus the net reduction in runoff that LID facilities will provide. This cost analysis shall be completed before including these requirements into next permit cycle. Ecology should remove LID requirements and their adoption and implementation of codes and technical manuals from the 2013-2018 permit cycle and incorporate the proposed requirement into the future 2018-2023 permit cycle. The LID manual has just been developed and issued for review in January 2012 and there is insufficient time to fully understand the LID requirements and their financial cost to implement from a business/economic development perspective. However, if required in the 2013-2018 permit cycle it should not be implemented until four years from the effective date of the permit.</li> <li>Ecology needs to provide permittees the flexibility they need to implement the use of LID without requiring implementation of rain gardens and permeable pavement in all projects. The implementation of LIDs should be encouraged and incentivized rather than be required, especially for projects only subject to Minimum Requirements 1-5 in the Ecology Stormwater manual. The LID code updates should be focused on encouraging the use of LID by emphasizing potential benefits and providing incentives for their use.</li> </ul>

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•	S5.C.4.g.i	34	33-34	<ul style="list-style-type: none"> <li>Proposed permit language will require each Permittee to submit a summary of the results of the review and revision process included in section S5.C.4. Reporting requirements are already burdensome. This item should be addressed through a check box on the annual report.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Please remove this requirement.</li> </ul>
•	S5.C.4.h	35	12-17	<ul style="list-style-type: none"> <li>Permit language does not provide specific language on what type of support is expected from jurisdictions in order to cooperate with the watershed scale stormwater planning process led by a Phase I county. Ecology needs to perform a legal evaluation of the ability to legally require a NPDES Phase II jurisdiction to have to participate and cooperate in a watershed scale planning effort that is initiated by a NPDES Phase II jurisdiction. This may violate the separation of powers between counties and cities and gives superior rights to the NPDES Phase I jurisdiction to dictate the location and the scope of the watershed scale planning. A NPDES Phase II jurisdiction legally would have to participate and cooperate in the NPDES Phase I jurisdictions watershed scale planning effort or be in violation of the NPDES permit and subject to liability. It is unclear as to the basis for Ecology including this requirement in the NPDES permits. It exceeds the Clean Water Act requirements of the NPDES program and should be removed from the permit. The Washington Pollution Control Hearings Board decision regarding this only pertained to the Phase I NPDES jurisdictions and Ecology is exceeding its authority to incorporate this requirement into the Phase II NPDES permit.</li> <li>Watershed scale planning has been done in the past by jurisdictions (May Creek Basin Plan, Cedar River Basin Plan) and is currently being done on a Water Resource Inventory Area (WRIA) level as part of our salmon recovery effort. These efforts incorporate the need for stormwater management and the importance of maintaining and improving water quality. The proposed new NPDES permit does not need to mandate this requirement since it is already being done in many areas of western Washington on a more productive voluntary basis.</li> </ul>

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				<p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Ecology should remove this requirement from the permit. The City of Renton currently provides support within the watershed through a salmon recovery program and other watershed programs.</li> <li>It should be left up to each jurisdiction to voluntarily decide if, when, and how they want to address watershed scale stormwater planning with other jurisdictions (Phase I or Phase II jurisdictions) through interlocal agreements and not mandated as proposed in the new NPDES Phase II permit.</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	S5.C.5.a	35	25-31	<ul style="list-style-type: none"> <li>Proposed language requires cities to develop and maintain a program for maintenance and inspection of all municipally owned drainage facilities including municipal LID facilities. Insufficient information is available regarding long-term operation and maintenance of LIDs to assure optimum performance. Without that knowledge, developers and permittees will be unable to identify, design, operate, and maintain LID facilities. Requiring LID facilities without documented standards is counter-productive and would place too great a burden on permittees. If it is Ecology's position that LID facilities are proven stormwater facilities, then clear standards for design, inspection and maintenance of said facilities should be included in the technical documents adopted by reference within the permit.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Ecology needs to perform a comprehensive legal and cost analysis addressing the impacts of implementing these and all other requirements in the new NPDES Phase II permit to determine if there is a positive cost benefit ratio for having higher regulatory requirements and putting the state of Washington at an economic disadvantage when competing in a global economy. The cost benefit analysis shall evaluate the cost of implementing LIDs versus the net reduction in runoff that LID facilities will provide. This cost analysis shall be completed before including these requirements.</li> <li>Remove the requirements for adoption and implementation of codes and technical manuals from 2013-2018 permit cycle and incorporate proposed</li> </ul>

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				<p>requirement into future 2018-2023 permit cycle. However, if required in this permit cycle (2013-2018), it should not be implemented until four years from the effective date of the proposed new NPDES permit that would become effective on August 1, 2013.</p>
<ul style="list-style-type: none"> <li>•</li> </ul>	S5.C.5.d	37	1-2, and 7-26	<ul style="list-style-type: none"> <li>• This section requires inspection of all catch basins and inlets owned or operated by the Permittee at least once every two years. This is a significant increase (2.5 times) above the current NPDES permit requirement of inspect and clean (if needed) once within the 5-year permit cycle. This will result in a significant cost to jurisdictions for the additional staffing and equipment that will be needed to meet the increased frequency of inspection and cleaning, if needed, of the inspected catch basins.</li> <li>• Ecology needs to demonstrate that the additional inspection and cleaning frequency provides a significant water quality benefit increase to justify the additional cost of the requirement (cost-benefit analysis is needed). The new NPDES permit should include the same requirement that is in the current NPDES permit and not include this increased catch basin inspection and cleaning frequency requirement due to the significant cost impact associated with the requirement to jurisdictions. There is no technical justification that the increase in frequency is needed and the requirement is without any consideration of the cost implication to jurisdictions, their citizens, and other private parties who provide the funding to the jurisdictions necessary to meet the requirements.</li> <li>• The language of the proposed permit draft, section S5.C.5.d.ii, does not clearly state Ecology's intent as stated on page 52 of the draft permit fact sheet: <i>"...Several permittees reported that cleaning the entire conveyance and catch basins within a circuit is also effective and can be accompanied by a less frequent inspection requirement. Ecology adds this alternative as well (S5.C.5.d.ii). Ecology anticipates that permittees will adapt these alternatives as best suited to their systems, and may choose to employ one alternative in one area and another in another part of the system."</i></li> <li>• Furthermore, the term "conveyances" is undefined and</li> </ul>

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				<p>leaves room for interpretation beyond the intent of S5.C.5.d to inspect and clean (as needed) catch basin sand inlets. Given the intent, conveyances should mean associated pipes connecting catch basins and inlets.</p> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Ecology should keep the inspection frequency and cleaning of catch basins, if needed, at the same level as specified in the current NPDES permit and provide some reduction in frequency for jurisdictions that also clean the conveyance systems that helps to remove materials and pollutants from the municipal storm systems and not increase the inspection frequency of catch basins cleaning requirement.</li> <li>If this requirement remains in the proposed new NPDES permit, Ecology should change the end of S5.C.5.d to, "... The following alternatives <u>(i and ii)</u> to the standard approach of inspecting catch basins <u>and inlets</u> every two years are allowed. <u>Permittees will adapt the alternatives in sections i and ii as best suited to their systems, and may choose to employ one alternative in one area (circuit), and another in another part (circuit) of their system.</u>"</li> <li>For S5.C.5.d.i (lines 25 &amp; 26) please change the second sentence to read, "Include in the sampling an inspection of the catch basin immediately upstream of any system outfall, <u>if applicable.</u>" CB inspection circuits are often based on land use or traffic areas and do not necessarily include system outfalls. This change will clearly give permittees the flexibility needed to effectively and efficiently manage these assets.</li> <li>Please change S5.C.5.d.ii (lines 25 &amp; 26) to read, "<u>The Permittee may clean all catch basins and associated conveyance pipes within a circuit once during the permit term. Meeting this requirement within a circuit satisfies the requirement to inspect all catch basins and inlets within that circuit during the permit term.</u>"</li> </ul>
•	S8	51-63	All	<ul style="list-style-type: none"> <li>The proposed new NPDES Phase II permit establishes the option for jurisdictions to either pay into a regional stormwater monitoring program (RSMP) for status and trends monitoring, effectiveness studies and source</li> </ul>

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				<p>identification, and diagnostic monitoring information repository, or perform the required monitoring work on their own within their jurisdiction (opt-out option).</p> <ul style="list-style-type: none"> <li data-bbox="824 373 1511 680">• The ambient monitoring described in the RSMP far oversteps what the Environmental Protection Agency (EPA) outlined for Phase II permittees. The EPA recommends a limited monitoring of a few pollutants of concern. The RSMP is recommending a comprehensive monitoring, which would tie-up the resources Permittees would otherwise use to improve water quality, while gathering no substantive new information.</li> <li data-bbox="824 730 1511 1184">• The Washington Pollution Control Hearings Board (PCHB) is cited as endorsing the requirements in S8. But the requirements are not in accordance with PCHB recommendations. PCHB recommended that a regional consortium be established to frame a regional monitoring program, but did not endorse its outcome. The RSMP outcomes would not be in accordance with PCHB recommendations, since: the program is not limited; it does not reduce the economic burden on jurisdictions; and the data set would not be generated for several permit cycles (a minimum of ten years); and it would not provide jurisdictions the ongoing feedback allowing them to improve their programs.</li> <li data-bbox="824 1234 1511 1688">• The comprehensive monitoring required by RSMP is redundant. The common sources of urban stormwater pollutants are well-known and documented by a host of other studies and data sources (conducted by Ecology, National Oceanic and Atmospheric Administration, WA Department of Health, and National Stormwater Quality Database). Rather than spending time and money to assess whether the Western WA Phase I and Phase II Permittees have similar trends in their receiving waters, resources should be directed to known methods of reducing these pollutants (retrofits, maintenance, education, etc).</li> <li data-bbox="824 1738 1511 1892">• The RSMP monitoring is not useful to municipalities for Ecology's intended purpose of feedback for assessing and improving municipalities' pollutant reduction programs and this data will not be available for several permit cycles. Even after the data is collected, it would</li> </ul>

Item #	Permit Section	Page number	Line #	City of Renton Comment:
				<p>still not provide clear direction for municipalities. (<i>Urban Stormwater Management in the United States, National Research Council, 2008</i>, states that it is not yet possible to create a protocol that mechanistically links stormwater dischargers to the quality of receiving waters.)</p> <ul style="list-style-type: none"> <li>• The monitoring requirements, as defined in S8, puts an unfair financial burden on the Permittees, by not including other permitted stormwater dischargers, such as industrial, construction, sand and gravel, and publicly-owned treatment works, in the costs of monitoring.</li> <li>• The total cost of the RSMP is \$2.97 million per year as currently proposed. The RSMP approach would cost the City of Renton a total of \$237,560 (over four years, as would be required by Phase II permittees during the permit cycle). This monitoring cost would require a Surface Water Utility rate increase above our current 2012 rates. The permit requirement for the opt-out option is onerous and would likely cost as much if not more than the RSMP option.</li> <li>• Also, the RSMP has open-ended parameters that would allow it to expand still more in scope, again without taking into account the burden on Permittees to implement these requirements. (Additional sample parameters, Table 4, 2012 Status and Trends Stormwater Monitoring and Assessment Strategy for Small Streams, QAPP).</li> <li>• The management and oversight of the RSMP is not formally established and is untested. Ecology is proposing to implement this massive regional stormwater monitoring program all at once with very little clarity about how and who will manage and administer this program. Once the program is established in the permit, the cost will likely increase in subsequent future permit updates and jurisdictions would have no option but to pay into the RSMP or be in violation of the NPDES permit.</li> <li>• The proposed monitoring is far more extensive than what needs to be included in this permit cycle and a phased approach to implementing the RSMP should be</li> </ul>

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				<p>taken.</p> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• That the monitoring requirement be delayed one permit cycle to give Ecology adequate time to analyze the costs associated with Permittees implementing Option 2.</li> <li>• If monitoring is included in this proposed new permit, then the monitoring plan requirements should be phased in gradually, starting with status and trends monitoring during the 2013-2018 permit cycle. This will give Ecology time to verify that the monitoring is beneficial and cost effective. We are concerned about getting locked into a permanent requirement that is a costly, ineffective, and perhaps unnecessary burden.</li> <li>• The monitoring requirement should be instituted on an experimental basis and incrementally, with early checks on its effectiveness. A process for easy revision and a provision for it to be removed at the end of this proposed new permit (if the program is not functional) shall be included in the permit.</li> </ul>
<ul style="list-style-type: none"> <li>•</li> </ul>	S8.C.1	51-53	All	<ul style="list-style-type: none"> <li>• Status and Trends Monitoring Option 1 (buy-in to a collective fund) is costly and provides no benefit to municipalities for their participation.</li> <li>• Few of the sampled sites would actually be within any given municipal boundary (none within the City of Renton); therefore the data would not be relevant for actual improvements by the entities paying for the research. This data would not provide a feedback loop for the municipal SWMPs, and so is contrary to Ecology's stated goal.</li> <li>• It is unfair to ask Renton ratepayers to fund a collective program which covers the entire Western Washington area but does nothing to help the local SWMP. Also, other dischargers (industrial, construction, sand and gravel, publically-owned treatment works) are not being asked to pay.</li> <li>• Phase II permittees should not be required to implement a Phase I type program.</li> <li>• The payment required would be far better spent</li> </ul>

Item #	Permit Section	Page number	Line #	City of Renton Comment:
				<p>actually reducing pollution through pollution prevention, system maintenance, facility inspections, enforcement, and public education.</p> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• That the monitoring requirement be delayed one permit cycle to give Ecology adequate time to analyze the costs associated with Permittees implementing Option 2.</li> <li>• If monitoring is included in this proposed new permit, then the status and trends monitoring should only be implemented during this permit cycle as a test to demonstrate that the RSMP can be established and function as intended. Additional monitoring programs added in subsequent NPDES permit updates in the future, if and only if the RSMP is demonstrated to be successful during the new NPDES permit cycle and costs remain reasonable. The permit needs to include the ability for jurisdictions to have oversight of the RSMP and the ability to terminate it, if the proposed approach does not function as intended and costs escalate.</li> <li>• As mentioned above, we recommend that the monitoring requirements be delayed one permit cycle to give Ecology adequate time to analyze the costs associated with Permittees implementing Option 2. At the very least, the monitoring requirements should be phased in starting with trends and analysis during the first permit cycle. This will give Ecology time to verify that the monitoring is beneficial and cost effective. We are concerned about getting locked into a permanent requirement that is a costly ineffective and perhaps unnecessary burden.</li> </ul>
<ul style="list-style-type: none"> <li>•</li> </ul>	S8.C.2	53-55	All	<ul style="list-style-type: none"> <li>• Status and Trends Monitoring Option 2 as proposed is not a viable alternative to Option 1.</li> <li>• Option 2 is an unacceptable alternative to Option 1, as it is onerous in scope, requiring of municipalities far more than Option 1 would deliver. Renton's share of Option 1 is \$84,220 or 2.2% of the total RSMP costs (\$3,884,480) for Status and Trends. This translates to less than 3 streams monitored. Conversely under Option 2, Renton would be required to monitor eight</li> </ul>

Item #	Permit Section	Page number	Line #	City of Renton Comment:
				<p>wade able streams. The cost for this is unknown, but we expect it would be substantial. It should also be noted that none of the Option 1 ambient wade able stream sample sites are located within Renton city limits.</p> <ul style="list-style-type: none"> <li>There is not a fair equivalency provided between Option 1 and Option 2. Ecology has not yet done its own cost impact analysis of Option 2. It must do so before imposing its program on municipalities.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>Ecology does its own cost impact analysis of Option 2.</li> <li>Keep an opt-out opportunity but make it equivalent in requirements and costs to the buy-in option.</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	S8.D.1	55-58	All	<ul style="list-style-type: none"> <li>As stated in the Fact Sheet, page 63: Ecology's intent for regional effectiveness studies is that they will provide direct quantitative feedback about the results of different stormwater management activities and programs. The constant change of land use practices will make it difficult to tie data to the effectiveness of a stormwater program. The effectiveness of the RSMP is not established.</li> <li>Fact Sheet, page 65 says that permittee contributions to the RSMP component will be dedicated to conducting a total of about 15 studies during the permit term at an average cost of \$450,000 per study. The Stormwater Group identified and recommended 29 effectiveness study topics. The list of study topics and questions is included as Attachment C to the draft Phase II cost-sharing agreement in Appendix 10. The cost designated for Option 1 (average of \$450,000 per study) seems exorbitant. Renton estimates that to conduct effectiveness studies on topics that might be most relevant to City's SWMP would cost approximately \$66,370.</li> <li>The requirement to perform effectiveness studies is excessive and it is questionable whether it is possible to measure the effectiveness of implementing the programs and regulatory requirements of the NPDES permit due to the variability in collecting stormwater</li> </ul>

Item #	Permit Section	Page number	Line #	City of Renton Comment:
				<p>quality monitoring data and the need for a large amount of data. Implementing this monitoring plan is expensive and the monitoring requirement far exceeds the minimum federal requirements.</p> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Instead of expending public funds on monitoring to verify what is already known, “stormwater runoff carries urban land use pollution”, the funding should be used to retrofit existing developed areas to make real water quality improvements and education.</li> </ul>
<ul style="list-style-type: none"> <li>•</li> </ul>	S8.D.2	58-59	All	<ul style="list-style-type: none"> <li>• Equivalent studies to those required have been done across the country and the general information is known.</li> <li>• Local studies conducted by Phase I permittees from 2007 to 2011 (King County, Snohomish County, Clark County, Pierce County, Seattle, Tacoma, and Port of Seattle) was found to be expensive and problematic. It is unfair to ask Phase II permittees to conduct the same kind of studies.</li> <li>• The PCHB intended a monitoring consortium to reduce the economic burden on jurisdictions, but the Effectiveness Studies Option 2 does the opposite. Renton estimates that to conduct monitoring per the requirements of Option 2 would cost between \$246,000 – 366,000 over a four year period. Since the Option 1 pay-in cost for Renton would be \$140,328 (four year total), Option 2 does not allow for an economically feasible alternative to Option 1.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• As mentioned above (in the comment on S8.C.1), we recommend that the monitoring requirements be delayed one permit cycle to give Ecology adequate time to analyze the costs associated with Permittees implementing Option 2. At the very least, the monitoring requirements should be phased in, starting with trends and analysis during the first permit cycle. This will give Ecology time to verify that the monitoring is beneficial and cost effective. We are concerned about getting locked into a permanent requirement that is a costly, ineffective, and perhaps unnecessary burden. We recommend that Ecology take an experimental approach to implementing monitoring.</li> </ul>

Item #	Permit Section	Page number	Line #	City of Renton Comment:
•	Definitions	74	31-34	<ul style="list-style-type: none"> <li>Proposed permit text reads: “Circuit means a portion of the municipal separate storm sewer system (MS4) discharging to a single point and serving a discrete area determined by both topography and the configuration of the MS4...”</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>Please revise the above language to read as follows: “Circuit means a portion of the municipal separate storm sewer system (MS4) discharging to a single point <del>and</del> <u>or</u> serving a discrete area determined by <del>both</del> <u>traffic volumes, land use type,</u> topography <del>and</del> <u>or</u> the configuration of the MS4”. CB inspection circuits may need to be based on land use or traffic areas and do not necessarily include system outfalls or single discharge points. These changes will allow permittees the flexibility we need to effectively and efficiently manage these assets.</li> </ul>
•	Definitions	75	35-39	<ul style="list-style-type: none"> <li>Proposed permit text reads: “Illicit Discharge means any discharge into <u>or from</u> municipal separate storm sewer that is not composed entirely of storm water or which is not an allowed discharge as specified in this permit. Illicit discharges include, but are not limited to, spills, discharges associated with illicit connections, <u>and infiltration/exfiltration of non-stormwater that takes place in pipe bedding.</u>”</li> <li>The definition of illicit discharge in the proposed permit has been expanded to include infiltration/exfiltration of non-stormwater that takes place in pipe bedding.</li> <li>From Fact Sheet, page 80: “<i>Illicit connection</i> and <i>illicit discharge</i> – Ecology received questions from permittees during the last permit term that led to improved definitions of these terms. The proposed definition of <i>illicit connection</i> is more complete. The <i>illicit discharge</i> definition clarifies that this may be a discharge into or from the MS4. The revised definition improves consistency with permit requirements and clarifies that spills and illicit connections are a type of illicit discharge. Experience by permittees during the current permit term indicates that illicit discharges may occur through infiltration/exfiltration of non-stormwater in pipe bedding, so Ecology also adds this <b>clarification.</b>”</li> <li>Infiltration/exfiltration may occur when leaky sewer</li> </ul>

Item #	Permit Section	Page number	Line #	City of Renton Comment:
				<p>pipes are proximate to leaky (or perforated) storm pipes—sewage effluent can actually leak into stormwater pipes.</p> <ul style="list-style-type: none"> <li>The EPA definition for illicit discharge does not include the term <i>infiltration/exfiltration</i>.</li> <li>Of concern is that this definition sounds like ‘interflow’, and therefore the definition could have unintended impacts on the operation of LIDs like rain gardens.</li> <li>The additional language (<i>and infiltration/exfiltration of non-stormwater that takes place in pipe bedding</i>) also sets permittees up for non-compliance as permittees have no control over infiltration/exfiltration of stormwater into pipe bedding. Furthermore, permittees do not have the ability to effectively trace and remove discharges into their MS4 from groundwater or pipe bedding.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Ecology should revise the permit to only include the EPA definition of “illicit discharge” not Ecology’s proposed expanded definition.</li> <li>Please remove the words “<i>or from</i>” from the first sentence. This additional language opens permittees up to too much liability potential from noncompliance and third party lawsuits, as we cannot control non-point source discharges into the MS4 and the resulting cumulative impacts to the MS4 discharge.</li> <li>Please remove the words “and infiltration/exfiltration of non-stormwater that takes place in pipe bedding” from the last sentence. With this change the definition will be consistent with the EPA definition (EPA does not include the term <i>infiltration/exfiltration</i>) to ensure that the term does not create conflicts between complying with illicit connection/discharge requirement and operating and maintaining LIDs per there intended design and function.</li> </ul>
•	Definitions	79	35-36	<ul style="list-style-type: none"> <li>Proposed permit text reads: “Stormwater means runoff during and following precipitation and snowmelt events, including surface runoff, drainage <u>or interflow</u>”.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Please define “interflow” in the definitions section.</li> </ul>
•	Appendix I - Definitions	5	31-33	<ul style="list-style-type: none"> <li>Proposed permit text reads: “Receiving waters – Bodies of water or surface water systems to which surface</li> </ul>

Item #	Permit Section	Page number	Line #	City of Renton Comment:
				<p>water runoff is discharged via point source of stormwater or via sheet flow. <u>Groundwater to which surface runoff is directed by infiltration.</u>"</p> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Please remove the last sentence from this definition and return it to its original form. Adding groundwater to this definition opens permittees up to a new world of liability. This broadened definition would result in conflicts with the intent and benefits of LID – filtration and infiltration, as well as its implementation. This would also create conflicts with state water standards. For example, based on this definition, sediment ponds that infiltrate would meet the definition of receiving waters, and by definition violate state water quality standards when turbid water is discharged to them.</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	Appendix I – section 3.2	11 of 40	2	<ul style="list-style-type: none"> <li>Proposed permit language will require all projects irrespective of size and scope to implement erosion and sediment control methods. Many small projects in the City do not trigger a permit and therefore the City has no tools to review and regulate such projects.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Update permit language included in lines 2-3 to read: <i>"All new development projects triggering a Permit from the City shall be required to comply with minimum requirement #2"</i></li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	Appendix I – section 3.3	11 of 40	18	<ul style="list-style-type: none"> <li>Proposed permit language will require all redevelopment projects irrespective of size and scope to implement erosion and sediment control methods. Many small projects in the City do not trigger a permit and therefore the City has no tools to review and regulate such projects.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Update permit language included in lines 18-19 to read: <i>"All new re-development projects triggering a Permit from the City shall be required to comply with minimum requirement #2"</i>.</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	Appendix I – section 8	All	All	<ul style="list-style-type: none"> <li>Feasibility criteria for low impact development best management practices shall also include: <ul style="list-style-type: none"> <li>Within area designated as erosion hazard area.</li> <li>Within area designated as aquifer protection areas.</li> <li>Within 10 feet of underground utilities.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	Appendix I – section 8	39-40	7	<ul style="list-style-type: none"> <li>Clarification of percentage over which a slope will be considered an excessively steep slope is required.</li> </ul>

Item #	Permit Section	Page number	Line #	City of Renton Comment:
•	Appendix I – section 8	39-40	21	<ul style="list-style-type: none"> <li>Language shall include a specific distance from toe of slope.</li> </ul>
•	Appendix 6 – Disposal of decant liquid	1	24-27	<ul style="list-style-type: none"> <li>Proposed permit text reads: “Discharge to a municipal sanitary sewer MS4 requires approval of the sewer authority.”</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Please return language to its previous form. Municipal sanitary sewer providers do not have regulatory authority over discharges to Municipal Separate Storm Sewer systems (MS4s).</li> </ul>
•	Appendix 10 – Source Identification and Diagnostic Monitoring Information Repository	7 8	37-42 1-6	<ul style="list-style-type: none"> <li>Develop an Illicit Discharge Detection and Elimination (IDDE) Manual for Western Washington.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>Please remove this section from Appendix 10. Permittees have already developed individual IDDE manuals based on EPA accepted guidance. It is inappropriate to turn around and develop new standards, when existing EPA guidance is already being met.</li> </ul>