Snohomish County Comments
Draft Phase I NPDES Municipal Stormwater Permit 2012-13 (1-Year)

Document at Issue	Section, Page# and/or Paragraph#	Existing Language	Comment	Proposed Language
Phase I Permit 2012-13	General Comment	Entire Fact Sheet.	The County notes that the Fact Sheet is a separate document from the Permit. Statements made in the Fact Sheet do not constitute Permit requirements, nor do such statements alter or amend the language contained in the Permit. To the extent Ecology would like one or more statements contained in the Fact Sheet to constitute legally binding Permit requirements, Ecology should move such statements into the body of the Permit. This issue is particularly problematic with this draft 1 year Permit, because while Ecology expresses its intent in the Fact Sheet that Permittees should operate under the 1 year Permit as though they were essentially repeating the final year of the 2007-12 Permit, that intent is not implemented by the plain language of the Permit.	
Phase I Permit 2012-13	General Comment	Entire Permit.	This draft 1 year Permit contains myriad requirements that do not take effect until more than 12 months after the effective date of the Permit. The County suspects this was not Ecology's intent. The County strongly recommends Ecology revise all timelines contained in the draft Permit to accurately reflect what actions Ecology expects Permittees to take and when Ecology expects those actions to be taken.	
Phase I Permit 2012-13	S2.A; pg. 7; lines 9-12 S2.A.1; pg. 7; lines 13-15 S2.A.2; pg. 7; lines 16-18	"This permit authorizes the discharge of stormwater to surface waters and to ground *waters of the state* from municipal separate storm sewers owned or operated by each Permittee covered under this permit in the geographic area covered by this permit pursuant to S1.A. subject to the following limitations:" "Discharges to ground waters of the state through facilities regulated under the Underground Injection Control (UIC) program, chapter 173-218 WAC, are not covered under this permit." "Discharges to ground waters not subject to regulation under the *Clean Water Act* are covered in this permit only under state authorities, Chapter 90.48 *RCW*, the Water Pollution Control Act."	The NPDES permit program only regulates discharges to surface waters. The inclusion of "ground water" as a receiving water for purposes of the Permit may be problematic. Ecology should consider whether it is prudent to combine a WA State permit issued pursuant to chapter 90.48 RCW with an NPDES permit issued pursuant to the CWA, or whether it might be more appropriate to issue separate permits for each regulatory scheme.	"This Permit authorizes the discharge of stormwater to surface waters of the state from municipal separate storm sewers owned or operated by each Permittee covered under this Permit in the geographic area covered by this Permit pursuant to S1.A." [DELETE] [DELETE]
Phase I Permit	S2.B; pg. 7; lines 19-22	"This permit authorizes discharges of non-stormwater flows to surface waters and ground waters of the state from	The NPDES permit program only regulates discharges to surface waters. The inclusion of "ground water" as a receiving	"This Permit authorizes discharges of non-stormwater flows to surface waters of the state from municipal separate storm

2012-13	S2.B; pg. 7; lines 28-29	municipal separate storm sewers owned or operated by each Permittee covered under this permit, in the geographic area covered pursuant to S1.A, only under any of the following conditions:" "These discharges are also subject to the limitations in S2.A.1. and S2.A.2. above."	water for purposes of the Permit may be problematic. Ecology should consider whether it is prudent to combine a WA State permit issued pursuant to chapter 90.48 RCW with an NPDES permit issued pursuant to the CWA, or whether it might be more appropriate to issue separate permits for each regulatory scheme.	sewers owned or operated by each Permittee covered under this permit, in the geographic area covered pursuant to S1.A, only under any of the following conditions:" [DELETE]
Phase I Permit 2012-13	S5.A.1; pg. 11; lines 28-30	"In accordance with the requirements in S9 Reporting Requirements, each Permittee shall prepare written documentation of their SWMP and submit it to Ecology in written and electronic formats with the first year annual report."	There will not be more than 1 annual report submitted during the term of this draft Permit. This language should be revised to clarify same.	"In accordance with the requirements in S9 Reporting Requirements, each Permittee shall prepare written documentation of the Permittee's SWMP and submit it to Ecology in written and electronic formats with the Permittee's annual report."
Phase I Permit 2012-13	S5.B; pg. 12; lines 7-10	"Permittees are to continue implementation of existing stormwater management programs until they begin implementation of the updated stormwater management program in accordance with the terms of this permit, including implementation schedules."	This draft Permit does not contain "updated" requirements. Additionally, the "implementation schedules" contained in this draft Permit posit a 5 year permit term and thus are not appropriate for a 1 year Permit.	[DELETE]
Phase I Permit 2012-13	S5.C.1.a; pg. 12; lines 17-20	"No later than the effective date of this permit, each Permittee shall be able to demonstrate that they can operate pursuant to legal authority which authorizes or enables the Permittee to control discharges to and from municipal separate storm sewers owned or operated by the Permittee."	This requirement has already been met during the term of the 2007-12 permit. Revise to reflect same.	"During the term of this permit, each Permittee shall continue to be able to operate pursuant to legal authority which authorizes or enables the Permittee to control discharges to and from municipal separate storm sewers owned or operated by the Permittee."
Phase I Permit 2012-13	S5.C.2.b.i; pg. 13; lines 13 & 19	"No later than 2 years from the effective date of this permit…"	This draft Permit will have expired prior to these deadlines.	[REVISE OR DELETE]
Phase I Permit 2012-13	S5.C.2.b.ii; pg. 13; line 24	"No later than 4 years from the effective date of this permit…"	This draft Permit will have expired prior to this deadline.	[REVISE OR DELETE]
Phase I Permit 2012-13	S5.C.2.b.ii; pg. 13; lines 29-32	"Attributes mapped shall include: Land use, Tributary conveyances (indicate type, material, and size where known); and associated drainage areas."	Including "Land uses" in a list of MS4 "attributes" is inaccurate and confusing. The words "Land use" should be deleted. Land uses are not an "attribute" of an MS4. An MS4 is defined by the draft Permit to mean "a conveyance system" owned and operated by a Permittee. "Land uses" are not physical components of a "conveyance system" and thus are not a proper subject for mapping.	"Attributes mapped shall include: Tributary conveyances (indicate type, material, and size where known); and associated drainage areas."
Phase I Permit	S5.C.2.b.iv; pg. 13; lines 37-41	"Each Permittee shall map existing, known connections over 8" to municipal separate storm sewers tributary to all storm sewer outfalls with a 24" inches nominal diameter or larger,	This language is both ambiguous and unduly onerous. It should be revised for clarity and proper prioritization of tasks. First, the words "owned or operated by the Permittee" should	"Tributary conveyances over 8" owned or operated by the Permittee that flow either to pipe outfalls having a 24-inch nominal diameter or larger, or to open channel outfalls for

2012-13		or an equivalent cross-sectional area for non-pipe systems, according to the following schedule:”	be inserted to clarify that any upstream conveyances that are not owned or operated by the Permittee are not required to be included in the Permittee’s maps of its MS4. Additionally, the words “existing” and “known” should be deleted for clarity, as it is logically impossible for a Permittee to map “non-existent” or “unknown” connections. Also, the words “or an equivalent cross-sectional area for non-pipe systems” should be deleted to properly focus mapping efforts on higher volume portions of the MS4. As presently written, the language places a high priority on mapping rural road drainage systems, which should instead be a low priority. While the County agrees that higher volume portions of an MS4 are portions of the MS4 that merit priority attention for pollution control, and that the cross-sectional area for a pipe conveyance system is a good indicator of the volume of stormwater likely conveyed through that pipe, the County does not agree that the cross-sectional area of a ditch conveyance system is a good indicator of the volume of stormwater likely conveyed through that ditch. The cost of installing a pipe conveyance system dictates, from a practical standpoint, that the smallest size pipe that meets the design flow needs of a project be used. That is not true of ditch conveyance systems. Instead, the cross-sectional area of road ditches is often determined by factors having nothing to do with design flow. Thus, using the cross-sectional area of a ditch conveyance system to determine which portions of that system merit priority attention is a flawed concept.	which the tributary conveyance contains a pipe with minimum nominal diameter of 24 inches shall be mapped according to the following schedule:”
Phase I Permit 2012-13	S5.C.2.b.iv; pg. 14; lines 1-5	“• City of Seattle and City of Tacoma: 2 years after the effective date of this permit. • Clark, King Pierce and Snohomish Counties: one half the area of the County within urban/higher density rural sub-basins 4 years after the effective date of this permit.”	The draft Permit will expire prior to the occurrence of either of these deadlines.	[REVISE OR DELETE]
Phase I Permit 2012-13	S5.C.2.b.v; pg. 14; lines 6-8	“No later than 4 years from the effective date of this permit each Permittee shall map geographic areas served by the Permittee’s MS4 that do not discharge to surface water.”	The draft Permit will expire prior to the occurrence of this deadline. Additionally, areas of the MS4 that do not discharge to surface water are not governed by the NPDES Permit Program and are therefore not a proper subject for regulation by this draft Permit.	[DELETE]
Phase I Permit 2012-13	S5.C.3.b.i; pg. 14; lines 29-32	“No later than 1 year after the effective date of this permit, establish, in writing, and begin implementation of, intra-governmental (internal) coordination agreement(s) or Executive Directive(s) to facilitate compliance with the terms of this permit.”	Presumably, all Permittees already met this requirement pursuant to the 2007-12 permit. Additionally, this requirement is unnecessary and intrusive. It should be deleted. Ecology does not need to dictate the County’s internal operations in order to fulfill Ecology’s directive of implementing the	[DELETE]

			NPDES permit program in WA. All Ecology needs to know is what substantive actions the County is taking to comply with the CWA by improving water quality and pollution control.	
Phase I Permit 2012-13	S5.C.3.b.ii; pg. 14; lines 33-35	"No later than 2 years after the effective date of this permit, or within 2 years following the addition of a new Secondary Permittee, establish:"	The draft Permit will expire prior to the occurrence of these deadlines.	[DELETE]
Phase I Permit 2012-13	S5.C.4.b.i; pg. 15; lines 13-18	"No later than 6 months after the effective date of this permit, develop and begin implementing a process to create opportunities for the public to participate in processes involving the development, implementation and update of the Permittee's SWMP. Each Permittee shall develop and implement a process for consideration of public comments on their SWMP."	All Permittees have already created the public processes described here. This language should be revised to acknowledge that fact.	"Permittees shall continue implementing their respective public processes that provide the public with opportunities to participate in the development, implementation and update of the Permittee's SWMP."
Phase I Permit 2012-13	S5.C.5.b.iv; pg. 16; lines 31-34	"No later than 18 months from the effective date of this permit, each Permittee shall adopt a local program that meets the requirements in S5.C.5.b.i through iii(1)., above. Ecology review and approval of the local manual and ordinances is required."	First, the draft Permit will expire prior to the occurrence of this deadline. Next, the County has already adopted the program described here, and Ecology has already reviewed and approved same.	[DELETE]
Phase I Permit 2012-13	S5.C.5.b.iv; pg. 17; lines 3-9	"The Permittee shall submit draft enforceable requirements, technical standards and manual to Ecology no later than 12 months after the effective date of this permit. Ecology will review and provide written response to the Permittee. If Ecology takes longer than 60 days to provide a written response, the required deadline for adoption will automatically be extended by the number of calendar days that Ecology exceeds a 60 day period for written response."	First, the draft Permit will expire upon the deadline for submission of draft enforceable requirements. Next, the County has already complied with this requirement pursuant to the 2007-12 permit, and Ecology has already approved the County's documents.	[DELETE]
Phase I Permit 2012-13	S5.C.5.b.v; pg. 17; lines 14-17	"No later than 18 months after the effective date of this permit, the program shall establish legal authority to inspect private stormwater facilities and enforce maintenance standards for all new development and redevelopment approved under the provisions of this section."	First, the draft Permit will expire prior to the occurrence of this deadline. Next, the County has already established the legal authority described here.	"Throughout the term of this permit, the Permittee shall maintain its authority to inspect private stormwater facilities and enforce maintenance standards for all new development and redevelopment approved under the provisions of this section."
Phase I Permit 2012-13	S5.C.5.b.vi; pg. 17; lines 18-21	"No later than 18 months after the effective date of this permit, the program shall include a process of permits, plan review, inspections, and enforcement capability to meet the following standards for both private and public projects, using qualified personnel:"	First, the draft Permit will expire prior to the occurrence of this deadline. Next, the County has already established the legal authority described here.	"Throughout the term if this Permit, the Permittee shall continue implementing its process of permits, plan review, inspections, and enforcement capability to meet the following standards for both private and public projects, using qualified personnel:"
Phase I Permit 2012-13	S5.C.5.b.viii; pg. 18; lines 18-21	"No later than 18 months after the effective date of this permit, each permittee shall ensure that all staff whose primary job duties are implementing the program to Control Runoff from New Development, Redevelopment, and	First, the draft Permit will expire prior to the occurrence of this deadline. Next, the County has already trained its staff pursuant to this	"Throughout the term if this Permit, the Permittee shall continue to ensure pertinent staff are trained to conduct the activities required by this Section."

		Construction Sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities."	requirement.	
Phase I Permit 2012-13	S5.C.6.b.i; pg. 19; lines 16-21	"No later than 1 year after the effective date of this permit, each Permittee shall develop a Structural Stormwater Control program designed to control stormwater impacts that are not adequately controlled by other required actions of the SWMP. Implementation of the program shall begin no later than 18 months after the effective date of this permit."	This draft Permit will expire on the same date the deadline in the first sentence occurs. This draft Permit will expire prior to the occurrence of the deadline contained in the second sentence.	"Throughout the term of this Permit, the Permittee shall continue to implement the structural control program the Permittee developed under the previous 2007-2012 NPDES Phase I municipal stormwater permit."
Phase I Permit 2012-13	S5.C.7.b.i; pg. 21; lines 1-16	First three paragraphs of Section S5.C.7.b.i.	This draft Permit will expire prior to the occurrence of the deadline specified in this provision. Additionally, the County has already adopted Ecology-approved ordinances and an Ecology-approved source control program in accordance with this Section.	"Throughout the term of this Permit, the Permittee shall continue enforcing the requirement to use source control BMPs as specified in this Section."
Phase I Permit 2012-13	S5.C.7.b.ii; pg. 21; lines 27-29	"No later than 18 months after the effective date of this permit, establish a program to identify sites which are potentially pollution generating."	This draft Permit will expire prior to the occurrence of the deadline specified in this provision.	"Throughout the term of this Permit, the Permittee shall continue implementing its program to identify sites which are potentially pollution generating."
Phase I Permit 2012-13	S5.C.7.b.iii; pg. 21; lines 37-39	"Starting no later than 24 months after the effective date of this permit, implement an audit/inspection program for sites identified pursuant to S5.C.7.b.ii. above."	This draft Permit will expire prior to the occurrence of the deadline specified in this provision.	"Throughout the term of this Permit, the Permittee shall continue implementing an audit/inspection program for sites identified pursuant to S5.C.7.b.ii above."
Phase I Permit 2012-13	S5.C.7.b.iv; pg. 22; lines 20-23	"No later than 24 months after the effective date of this permit, each Permittee shall implement a progressive enforcement policy to require sites to come into compliance with stormwater requirements within a reasonable period of time as specified below:"	This draft Permit will expire prior to the occurrence of the deadline specified in this provision.	"Throughout the term of this Permit, the Permittee shall continue implementing a progressive enforcement policy to require sites to come into compliance with stormwater requirements within a reasonable period of time as specified below:"
Phase I Permit 2012-13	S5.C.7.b.v; pg. 23; lines 6-9	"No later than 24 months after the effective date of this permit, each Permittee shall ensure that all staff whose primary job duties are implementing the source control program are trained to conduct these activities."	This draft Permit will expire prior to the occurrence of the deadline specified in this provision. Additionally, the County has already performed the training required by this provision.	"Throughout the term if this Permit, the Permittee shall continue to ensure pertinent staff are trained to conduct the activities required by this Section."
Phase I Permit 2012-13	S5.C.8.b.ii; pg. 23; lines 34-38	"No later than 18 months after the effective date of this permit, each Permittee shall evaluate, and if necessary, update, existing ordinances or other regulatory mechanisms to effectively prohibit non-stormwater, illicit discharges, including spills, into the Permittee's municipal separate storm sewer system."	First, this draft Permit will expire prior to the occurrence of the deadline specified in this provision. Next, the County has already adopted ordinances or other regulatory mechanisms to comply with this provision.	"Throughout the term if this Permit, the Permittee shall keep in force ordinances or other regulatory mechanisms that prohibit non-stormwater, illicit discharges, including spills, into the Permittee's municipal separate storm sewer system."
Phase I Permit	S5.C.8.b.iii; pg. 25; lines 21-	"No later than 18 months after the effective date of this permit, each Permittee shall ensure that all municipal field	First, this draft Permit will expire prior to the occurrence of the deadline specified in this provision.	"Throughout the term if this Permit, the Permittee shall continue to ensure pertinent staff are trained to conduct the

2012-13	25	staff who are responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, improper disposal and illicit connections, are trained to conduct these activities."	Next, the County has already performed the training required by this provision.	activities required by this Section."
Phase I Permit 2012-13	S5.C.8.b.iv; pg. 25; lines 29-39	"No later than 24 months after the effective date of this permit, develop and implement an ongoing training program for all municipal field staff, which, as a part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the storm sewer system, shall be trained on the identification of an illicit discharge or connection and on the proper procedures for reporting and responding to the illicit discharge or connection."	This requirement is vague, overbroad, unnecessary, unduly burdensome, unlikely to be effective and intrusive. MS4s are geographically immense. The County employs many field staff, with vastly differing job responsibilities. Anyone walking or driving on County roads "might come into contact with or otherwise observe an illicit discharge" into the County's MS4. Thus, this proposed language would mandate water pollution control training for every County employee who ever works in the field. Such a requirement is unnecessary, burdensome, intrusive and unlikely to significantly increase the effectiveness of the County's illicit discharge inspection program. A more targeted approach to training would be more productive. Ecology does not need to control the content and frequency of the County's internal training procedures in order for Ecology to implement the NPDES permit program in WA. The County is capable of determining how best to train its employees. There is no reason the County's compliance with the CWA should depend on minutiae such as whether or not training sessions are documented in the manner preferred by Ecology, so long as the County meets the substantive requirements of MEP and AKART.	[DELETE]
Phase I Permit 2012-13	S5.C.8.b.iv; pg. 26; lines 16-27	"(1) Each City covered under this permit shall prioritize conveyances and outfalls and complete field screening for at least 60% of the conveyance systems within the Permittee's incorporated area no later than 5 years from the effective date of this permit. (2) Each County covered under this permit shall prioritize outfalls and conveyances in urban/higher density rural sub-basins for screening and shall complete field screening for at least half of the conveyance systems in these areas no later than 5 years from the effective date of this permit. In addition, Counties shall complete field screening in at least 1 rural sub-basin no later than 5 years from the effective date of this permit."	This draft Permit will expire prior to the deadlines contained in these provisions.	[REVISE TO CLARIFY ECOLOGY'S INTENT]
Phase I Permit 2012-13	S5.C.9.b.i; pg. 27; lines 36-39; pg. 28; line 1	"Maintenance Standards. No later than 18 months after the effective date of this permit, each Permittee shall establish maintenance standards that are as protective or more protective of facility function than those specified in	This draft Permit will expire prior to the occurrence of the deadline specified in this provision. Additionally, the County has already adopted maintenance	"Throughout the term of this Permit, the Permittee shall continue to maintain maintenance standards that are as protective or more protective of facility function than those specified in Chapter 4 of Volume V of the 2005 *Stormwater*

		Chapter 4 of Volume V of the 2005 *Stormwater Management Manual for Western Washington*."	standards that comply with this provision.	*Management Manual for Western Washington* or another manual that has been deemed equivalent by Ecology."
Phase I Permit 2012-13	S5.C.9.b.ii(1); pg. 28; lines 26-32	"No later than 18 months after the effective date of this permit, each Permittee shall evaluate and, if necessary, update existing ordinances or other enforceable documents requiring maintenance of all permanent stormwater treatment and flow control facilities regulated by the Permittee (including catch basins), in accordance with maintenance standards established under S5.C.9.b.i., above."	This draft Permit will expire prior to the occurrence of the deadline specified in this provision. Additionally, the County has already adopted ordinances and other enforceable documents that comply with this provision.	"Throughout the term of this Permit, the Permittee shall keep in force ordinances or other enforceable documents requiring maintenance of all permanent stormwater treatment and flow control facilities regulated by the Permittee (including catch basins), in accordance with maintenance standards established under S5.C.9.b.i., above."
Phase I Permit 2012-13	S5.C.9.b.ii(2); pg. 28; lines 33-40	"No later than 18 months after the effective date of this permit, each Permittee shall develop and implement an initial inspection schedule for all known, permanent stormwater treatment and flow control facilities (other than catch basins) regulated by the Permittee to inspect each facility at least once during the term of this permit to enforce compliance with adopted maintenance standards as needed based on the inspection."	First, the draft Permit will expire prior to the occurrence of the deadline specified in this provision. Next, the language must be modified to reflect the reduction in duration of the Permit term from 5 years to 1 year. The requirement that the Permittee "inspect each facility at least once during the term of this permit" was intended to be synonymous with "inspect each facility at least once during the next 5 years." Because the term of the Permit has been shortened to 1 year, the frequency of required inspections should be revised accordingly.	"Throughout the term of this Permit, each Permittee shall continue implementing an inspection schedule for all known, permanent stormwater treatment and flow control facilities (other than catch basins) regulated by the Permittee to inspect no less than 20% of such facilities at least once during the term of this permit to enforce compliance with adopted maintenance standards as needed based on the inspection."
Phase I Permit 2012-13	S5.C.9.b.ii(3); pg. 29; lines 4-9	"No later than 4 years after the effective date of this permit, each Permittee shall develop an on-going inspection schedule to annually inspect all stormwater treatment and flow control facilities (other than catch basins) regulated by the Permittee. The annual inspection requirement may be reduced based on maintenance records."	First, the draft Permit will expire prior to the occurrence of the deadline specified in this provision. Next, the County has already developed the inspection schedule required by this provision.	[DELETE]
Phase I Permit 2012-13	S5.C.9.b.ii(4); pg. 29; lines 18-24	"No later than 2 years after the effective date of this permit each Permittee shall manage maintenance activities to inspect all new permanent stormwater treatment and flow control facilities, including catch basins, in new residential developments every 6 months during the period of heaviest construction to identify maintenance needs and enforce compliance with maintenance standards as needed."	The draft Permit will expire prior to the occurrence of the deadline specified in this provision.	"Throughout the term of this Permit, each Permittee shall continue managing maintenance activities to inspect all new permanent stormwater treatment and flow control facilities, including catch basins, in new residential developments every 6 months during the period of heaviest construction to identify maintenance needs and enforce compliance with maintenance standards as needed."
Phase I Permit 2012-13	S5.C.9.b.iii(1); pg. 29; lines 40-42; pg. 30; lines 1-5	"No later than 24 months after the effective date of this permit each Permittee shall begin implementing a program to annually inspect all permanent stormwater treatment and flow control facilities (other than catch basins) owned or operated by the Permittee, and implement appropriate maintenance action in accordance with adopted maintenance standards. The annual inspection requirement may be reduced based on inspection records."	First, the draft Permit will expire prior to the occurrence of the deadline specified in this provision. Next, the County has already implemented a program meeting these requirements.	"Throughout the term of this Permit, each Permittee shall continue implementing its program to annually inspect all permanent stormwater treatment and flow control facilities (other than catch basins) owned or operated by the Permittee, and implement appropriate maintenance action in accordance with adopted maintenance standards. The annual inspection requirement may be reduced based on inspection records."
Phase I	S5.C.9.b.iii(2);	"No later than 24 months after the effective date of this	First, the draft Permit will expire prior to the occurrence of the	"Throughout the term of this Permit, each Permittee shall

Permit 2012-13	pg. 30; lines 14-19	program each Permittee shall begin implementing a program to conduct spot checks of potentially damaged permanent treatment and flow control facilities (other than catch basins) after major storm events (24 hour storm event with a 10 year recurrence interval)."	deadline specified in this provision. Next, the County has already implemented a program meeting these requirements.	continue implementing its program to conduct spot checks of potentially damaged permanent treatment and flow control facilities (other than catch basins) after major storm events (24 hour storm event with a 10 year recurrence interval)."
Phase I Permit 2012-13	S5.C.9.b.iii(3); pg. 30; lines 28-31	"Compliance during this permit term shall be determined by achieving an annual rate of at least 95% of inspections no later than 180 days prior to the expiration date of this permit."	As this draft Permit will expire 365 days after it becomes effective, measuring success of an inspection program 180 days prior to the Permit's expiration is inappropriate. This language should be revised to reflect the fact that this draft Permit now has a 1 year term rather than a 5 year term.	"Compliance with this Section shall be determined by achieving an annual rate of at least 95% of inspections no later than 30 days prior to the expiration date of this permit."
Phase I Permit 2012-13	S5.C.9.b.iv(1); pg. 30; lines 33-36	"No later than 24 months after the effective date of this permit each Permittee shall begin implementing a program to annually inspect catch basins and inlets owned or operated by the Permittee."	First, the draft Permit will expire prior to the occurrence of the deadline specified in this provision. Next, the County has already implemented a program meeting these requirements.	"Throughout the term of this Permit, each Permittee shall continue implementing its program to annually inspect catch basins and inlets owned or operated by the Permittee."
Phase I Permit 2012-13	S5.C.9.b.vi; pg. 31; lines 22-29	"Within 12 months of the effective date of this permit, establish practices to reduce stormwater impacts associated with runoff from parking lots, streets, roads, and highways owned or operated by the Permittee; and road maintenance activities conducted by the Permittee. Implementation of practices shall begin no later than 18 months after the effective date of this permit, and continue on an ongoing basis throughout the term of this permit."	First, the draft Permit will expire on the same date as the deadline specified in the first paragraph. Next, the draft Permit will expire prior to the deadline specified in the second paragraph.	"Throughout the term of this Permit, the Permittee shall continue implementing practices to reduce stormwater impacts associated with runoff from parking lots, streets, roads, and highways owned or operated by the Permittee; and road maintenance activities conducted by the Permittee."
Phase I Permit 2012-13	S5.C.9.b.vii; pg. 32; lines 4-7	"No later than 18 months after the effective date of this permit, each Permittee shall establish and implement policies and procedures to reduce pollutants in discharges from lands owned or maintained by the Permittee subject to this permit."	First, the draft Permit will expire prior to the deadline set forth in this provision. Next, this provision is both overbroad and duplicative of other Permit requirements. There is no causal nexus between the discharges authorized by this Permit and real property owned by a Permittee that does not discharge into an MS4 covered by this Permit. This provision should be deleted. If Ecology chooses to retain this provision, it should be revised to clarify that the requirement only applies to real property that discharges to an MS4 that is owned or operated by the Permittee and is covered by this Permit. Additionally, the word "maintained" should be replaced with the word "operated." The Permit generally divides tangible property into two categories: (1) property "owned or operated" by the Permittee; and (2) property "regulated by" the Permittee. The term "maintained by" the Permittee is not a category defined by the Permit.	[DELETE] or "Each Permittee shall implement practices, policies, and procedures to reduce stormwater impacts associated with runoff from real property owned or operated by the Permittee that discharges to an MS4 that is owned or operated by the Permittee and is covered by this Permit.
Phase I	S5.C.9.b.vii;	"Lands owned or maintained by the Permittee include but are	This sentence is inappropriate, confusing, overbroad and ultra	[DELETE]

Permit 2012-13	pg. 32; lines 7-10	not limited to: parks, open space, road right-of-ways, maintenance yards, and stormwater treatment and flow control facilities."	vires. It should be deleted. Ecology has no authority to dictate what land constitutes real property "owned" by the County. Washington real property law governs questions of land ownership. Additionally, the term "maintained by" the Permittee is not a category defined by the Permit. Instead, the Permit generally divides property into two categories: (1) property "owned or operated" by the Permittee; and (2) property "regulated by" the Permittee. The use of the term "maintained by" is therefore confusing. Finally, there is no causal nexus between the discharges authorized by this Permit and real property owned by a Permittee that does not discharge into an MS4 covered by this Permit. Thus, this language is overbroad. This sentence should be deleted.	
Phase I Permit 2012-13	S5.C.9.b.viii; pg. 32; lines 19-22	"No later than 24 months after the effective date of this permit, develop and implement an ongoing training program for employees of the Permittee who have primary construction, operations or maintenance job functions that could impact stormwater quality. Follow-up training shall be provided as needed to address changes in procedures, techniques or staffing. Permittees shall document and maintain records of the training provided and the staff trained."	This requirement is overbroad, unnecessary, unduly burdensome and intrusive. First the word "could" is unbounded. Next, the proposed training topics would not be relevant to the full spectrum of job functions identified. For instance, there is no need for personnel who operate mowers in County parks, who maintain the County's public records archives, who wash the windows of County buildings, or who maintain the County's computer systems, to learn about selecting appropriate BMPs. A more targeted approach to training would be more efficient and effective. Additionally, Ecology does not need to control the content and frequency of the County's internal training procedures in order for Ecology to implement the NPDES permit program in WA. The County is capable of determining how best to train its employees. There is no reason the County's compliance with the CWA should depend on minutiae such as whether or not training sessions are documented in the manner preferred by Ecology, so long as the County meets the substantive requirements of MEP and AKART.	[DELETE]
Phase I Permit 2012-13	S5.C.9.b.ix; pg. 32; lines 26-36	"Develop and implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the Permittee in areas subject to this permit, that are not required to have coverage under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or another NPDES permit that covers stormwater discharges associated with the activity. The Permittee shall identify facilities subject to this requirement. The SWPPPs shall be developed within 24 months of the effective date of this permit. Implementation of non-structural BMPs shall begin immediately after the pollution	Revise this language to reflect the fact that the County has already developed the required SWPPP and begun implementing same.	"Throughout the term of this Permit, the Permittee shall continue to implement its Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the Permittee in areas subject to this permit, that are not required to have coverage under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or another NPDES permit that covers stormwater discharges associated with the activity."

		prevention plan is developed."		
Phase I Permit 2012-13	S5.C.10.b.i; pg. 33; lines 11-14	"No later than 12 months after the effective date of this permit, each Permittee shall implement or participate in an education and outreach program that uses a variety of methods to target the audiences and topics listed below."	This draft Permit will expire on the same date that is the deadline specified in this provision.	"Throughout the term of this Permit, the Permittee shall continue implementing or participating in an education and outreach program that uses a variety of methods to target the audiences and topics listed below."
Phase I Permit 2012-13	S9.A; pg. 65; lines 21-24	"No later than March 31, of each year beginning in 2008, each Permittee shall submit an annual report. The reporting period for the first annual report will be from the effective date of this permit through December 31, 2007. The reporting period for all subsequent annual reports shall be the previous calendar year."	Revise to clarify what reports Permittees are required to submit and when. For instance, does Ecology want a report regarding January 1, 2012 through July 31, 2012? If so, by when should Permittees file such a report? Does Ecology instead want one report regarding the entire 2012 calendar year, to be received in March 31, 2013?	[REVISE TO CLARIFY WHEN REPORTS ARE DUE AND WHAT TIME PERIODS SUCH REPORTS MUST COVER]
Phase I Permit 2012-13	S9.E.12; pg. 67; lines 8-10	"In the annual report for calendar year 2010, the Permittee shall identify areas for potential basin or watershed planning that can incorporate development strategies as a water quality management tool to protect aquatic resources."	The annual report for calendar year 2010 has already been submitted. This provision should be deleted.	[DELETE]