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VIA email

Dear Dan and Anne,

Thank you for the opportunity to comment on Ecology's *Stormwater Control Transfer Program Draft Guidance*, dated May 14, 2015. In general, I agree with the concerns raised by Puget Soundkeeper Alliance/Earthjustice including cumulative degradation at sites, environmental justice, surety that this program will not be double-counting, transfer of LID, and overall legality.

Below are specific comments about the document:

- Page iii (and elsewhere). The term "immediate environmental benefit" is vague and thus subject to a range of interpretations. This needs to be a clearer term that is well defined.
- Page 2: The principles should include that the program must be based on science.
- Page 9 on (general comments):
    - There is a lack of detail about proportion of sending and receiving areas (ratio). In my mind, the sending area should be small and the receiving area larger. One could imagine that the bulk of the jurisdiction is designated "sending" and only a small area as receiving, which could lead to abuse of the program.
    - There is lack of specification about minimum or maximum size of a sending or receiving area, which could lead to abuse of the program.
    - It seems highly problematic that jurisdictions should be able to transfer treatment for toxics to a receiving area that doesn't have significant toxic loading. Overall, I am concerned about the use of this program for transferring from "like" to "unlike" basins. For example, from commercial areas to low density residential areas.

    - The document needs to identify more detailed prioritization goals and data sources.
- Page 9: We have heard from numerous sources that the Puget Sound Watershed Characterization is not adequate. It is truly just a starting point and thus should be de-emphasized in this document.
- Page 9: The document should include BIBI scores in the list of data
- Page 10: The text should be rewritten so that it is not focused on watersheds with "low to moderate" levels of impairment but rather on areas that have the potential for the highest ecological lift
- Page 11: The description of monitoring is not adequate. There should be a specified frequency and it should be of a short enough period (every two years?) to provide adequate data. BIBI should be included as part of required monitoring (many jurisdictions are already doing BIBI).
- Page 15 on: The annual reporting should include the specifics about the sites that were included in the transfer program so that these can be easily reviewed by the public, rather than requiring the public to have to go to each jurisdiction individually to see the details. It would be easy to include that detail, especially because there are unlikely to be more than a few sites per year. In sum, the document should include the requirement that Table 1 information be sent to Ecology included within Table 3 (or a requirement that both Tables 1 and 3 must be submitted).
- General comment: The document doesn't specify that the programs have to be "adopted" by cities.
- General comment: There is no mention of public review. There should be the opportunity for public review of the plans before they are approved by Ecology.
- General comment: The approval of the transfer programs for each jurisdiction needs to be appealable.

Finally, you stated that you had not included quite a few items that were discussed in the Building Cities in the Rain committee and that your next draft would include those items. Thus, we would like the opportunity to comment on the next draft.

Thanks again for consideration of our comments.

Sincerely,

Heather Trim
Director and Science and Policy