



City of Seattle
Seattle Public Utilities

June 28, 2016

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

Re: City of Seattle's Comments on June 2016 Phase I Municipal Stormwater Permit Modification.

Dear Ms. Stockwell;

The City of Seattle is providing the following comments on the modified Phase I Municipal Stormwater Permit. The Seattle appreciates Ecology's efforts include Appendix 13 in this permit modification. Seattle has a long history of collaboration with Ecology on pollution source control for the Lower Duwamish Waterway. Seattle sees Appendix 13 as the next step in the ongoing effort to reduce pollution and protect of the cleanup of the Lower Duwamish Waterway Superfund Site.

The attachment to this letter includes our detailed comments and suggested edits to the proposed permit language organized by permit section. We hope that these comments will be useful in the development of the final permit requirements.

Thank you for working with Seattle to develop effective permit requirements to protect our environment. If you have any questions or require further information, please contact Kate Rhoads, (kate.rhoads@seattle.gov or 206-684-8298). Seattle looks forward to continuing to work with you.

Cordially,

Madeline Fong-Goddard, PE
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City of Seattle Comments: Attachment 1

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The City of Seattle appreciates the opportunity to provide input and the collaborative approach that Ecology has taken regarding the 2016 NPDES Municipal Stormwater permit modification. As the largest municipality in Washington State, Seattle understands the importance of its role in stormwater management and is committed to improving the health of receiving waters by continuing to reduce the impacts of stormwater runoff. Seattle is proud of our comprehensive stormwater program and supportive of changes to permit requirements that increase our effectiveness in managing stormwater impacts. Seattle hopes that these comments will be useful in the development of the final permit requirements.

APPENDIX 13

Comment #2: Appendix 13 – Preamble

The added text expresses that only within the scope identified in Appendix 13, (1) the affected permittee’s past notification and reporting comply with S4.F, and future additional S4.F notification for different discharge locations and parameter combinations is not required, and (2) the affected permittee’s compliance with Appendix 13 shall constitute compliance with S4.F. See Fact Sheet at 15 of 21.

“APPENDIX 13 – Adaptive Management Requirements

Additional permit requirements in this appendix reflect approved adaptive management response plans in accordance with Special Condition S4.F.3. Affected permittees have fully satisfied S4.F.1-S4.F.3.b for the waterbodies, applicable areas and parameters identified. Affected Permittees shall comply with the specific requirements identified.

Comment # 2: Appendix 13 – Source Tracing and Sampling Program, Page 2

Seattle seeks clarification that the date in the 2nd paragraph on page 2 indicates when the revised QAPP must be submitted. Seattle suggests the following change:

“... To reflect changes and additions in the sampling plan, the Permittee, no later than June 30, 2017, shall submit a revised draft QAPP to Ecology for review and approval ~~no later than June 30, 2017.~~ If Ecology does not request changes within 90 days, the draft QAPP is considered approved. ...”

Comment # 3: Appendix 13 – Effectiveness Monitoring Program, Page 2

Typo: “Practicies” should be “Practices.”

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Comment # 4: Appendix 13 – Effectiveness Monitoring Program, Page 2

Seattle seeks clarification that the date in the 2nd paragraph on page 2 indicates when the revised QAPP must be submitted. Seattle suggests the following change:

“... results of ongoing pilot testing, the Permittee, no later than June 30, 2017, shall submit a revised draft QAPP to Ecology for review and approval ~~no later than June 30, 2017~~. If Ecology does not request changes within 90 days, the draft QAPP is considered approved. ...”

Comment # 5: Appendix 13 – O&M, Page 3

Please reword to clarify program direction.

“2. The Permittee shall develop an operations and maintenance program for MS4 infrastructure, including municipal streets, to ~~ensure~~ direct that future MS4 infrastructure operations, maintenance, and capital projects address Duwamish source control needs. ...”

Please reword for clarity.

“3. The Permittee shall identify and conduct priority capital projects to improve roadway surfaces in the MS4 drainage basins subject to this requirement in order to ~~minimize~~ reduce pollutants in roadway runoff and/or improve the effectiveness of operational BMPs. ...”

Comment # 6: Appendix 13 – Structural Controls, Page 3

Seattle Requests that the delivery date of the South Park Water Quality Stormwater Treatment Facility report on protocols and results of the treatment technology pilot testing be changed from December 31, 2017 to March 31, 2018. The reason for the change in date is so that the pilot testing report for the South Park Water Quality Treatment Facility will be in alignment with the NPDES Phase I Municipal Permit Annual Report.

Comment # 7: Appendix 13 – Annual Prioritization, Page 4

Seattle requests that Ecology clarify the requirement to annually assess priorities for the following year. Seattle understands that once per permit term (rather than annually), Seattle will use analytical results from source tracing sampling and effectiveness monitoring to inform

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changes in priority for source control actions and program activities contained in Seattle’s adaptive management response. Annually, Seattle will informally review and assess, and if Seattle changes prioritization of program activities or target locations based upon best professional judgment or other factors, Seattle will report this information in the annual report required under S4.F.3.d. Any changes in priority will be informed by Seattle’s experience with source tracing sampling and effectiveness monitoring.

“Annual Prioritization: In addition to the annual reporting required under S4.F.3.d, the Permittee shall provide, with each annual report, ~~an assessment of~~ any updated priorities (planned actions and target locations) for the following year. The annual update shall be informed by informal review and assessment by the Permittee ~~will~~ based on best professional judgment and other factors to affirm previous priorities or identify and justify changed priorities. Analytical results from source tracing sampling and effectiveness monitoring will be presented to inform the annual prioritization of program activities across the area subject to this adaptive management response.”

Comment # 8: Appendix 13 – Table 1: Seattle-Owned Applicable Tables, Page 5

The Separated Stormwater Drainage Basin Area (acres) listed for SW Kenny St should be 154 acres rather than the 100 acres that is listed in Table 1.

Comment # 9: Appendix 13 – Table 2: Applicable Outfalls Owned or Installed by Others to which Seattle MS4 Discharges, Page 6

Footnote “e” should read: Outfall ownership transferred to Seattle Iron and Metals in 2012.

The Separated Stormwater Drainage Basin Area (acres) listed for 1st Ave S (west) should be 603 acres rather than the 541 acres that is listed in Table 2.

Comment # 10: Fact Sheet – Invoking Adaptive Management for Seattle’s LDW Stormwater Discharges, at p. 15

For accuracy, please note the City of Seattle’s additional S4.F correspondence to Ecology, at the end of the first paragraph:

“... Ecology required Seattle to develop an adaptive management response plan to address all Seattle MS4 discharges and all LDW sediment contaminants of concern (COCs). In response, Seattle submitted a supplemental letter to Ecology in July 2014 to

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clarify general notification under S4.F and confirm the path forward for Permit compliance, which Ecology considered.”