

Snohomish County Comments
Ecology's 2016 Modifications to the Phase I NPDES Municipal Stormwater Permits

Document	Section, Page and/or Paragraph #	Modified Language	Comment	Snohomish County Proposed Language
Phase I Permit	Appendix 10 Part 2, Section F	<p>“The Department of Ecology completed its review of the 2014 Washington State Department of Transportation Highway Runoff Manual (The 2014 HRM) and found that it meets the BMP selection, design, infeasibility criteria and limitations for public road projects equivalent to Ecology’s 2012 Stormwater Management Manual for Western Washington as Amended in December 2014 and 2004 Stormwater Management Manual for Eastern Washington.”</p>	<p>Ecology states that the 2014 HRM meets “the BMP selection, design, infeasibility criteria and limitations for public road projects” equivalent to the Ecology Stormwater Manuals. This phrasing is different than that used in Appendix 10, Part 1, Section F, which notes that the 2011 HRM met “minimum design requirements and best management practices for public road projects....” That suggests that there is a different meaning intended for those two phrases but then Ecology uses the Appendix 10, Part 1, Section F phrasing in the Appendix D: Fact Sheet for the 2016 Modification (May 18, 2016) to describe the 2014 HRM equivalency determination. That suggests that the two phrases have the same meaning to Ecology. See Appendix D: Fact Sheet at 11 (“Ecology has determined the HRM to be equivalent to both of Ecology’s Western and Eastern Stormwater Management Manuals for minimum design requirements and best management practices for public projects”). This leads to unnecessary confusion.</p> <p>Snohomish County discussed the issue of HRM equivalency with Ecology during the equivalent code review process and the phrasing “minimum design requirements and best management practices for public road projects” was agreed upon and inserted in Snohomish County’s Engineering Design and Development Standards (EDDS), which Ecology approves as equivalent. Snohomish County recommends the use of this phrasing, consistent with past practice and discussions with the County, to avoid confusion.</p>	<p>Revise as follows:</p> <p>“The Department of Ecology completed its review of the 2014 Washington State Department of Transportation Highway Runoff Manual (The 2014 HRM) and found that it meets the minimum design requirements and best management practices for public road projects equivalent to Ecology’s 2012 Stormwater Management Manual for Western Washington as Amended in December 2014 and 2004 Stormwater Management Manual for Eastern Washington.”</p>
Phase I Permit	Appendix 10 Part 2, Section F	<p>“These are primarily located within Chapter 5 and Chapter 6 of the 2014 HRM. Other sections of the 2014 HRM contain WSDOT-specific guidance that may not be deemed part of an equivalent Program for a municipality.”</p>	<p>The use of the word “primarily” creates ambiguity. It is not clear whether that means that there are other sections of the 2014 HRM outside of Chapters 5 or 6 that may also be utilized or that there are some portions of Chapters 5 or 6 that may not be utilized. There are elements of other chapters, such as Appendix 4D, that have been utilized in the past without issue. Further, Chapter 6 of the 2014 HRM has been largely, although not completely, removed and relocated to the Temporary Erosion and Sediment Control Manual (TESCM). It is unclear whether the TESCM is incorporated by reference into the 2014 HRM and thus included in the equivalency determination for the 2014 HRM in Part 2, Section F of Appendix 10.</p> <p>Snohomish County recommends deletion of these sentences in their entirety for clarity, consistent with the approach in Appendix 10, Part 1, Section F, and further recommends that Ecology clarify that the equivalency determination includes use of the TESCM.</p>	<p>Revise as follows:</p> <p>“This equivalency determination includes use of the Temporary Erosion and Sediment Control Manual (TESCM), which was Chapter 6 of the 2014 HRM but became its own manual as described in Chapter 6 of the 2014 HRM.”</p>
Phase I Permit	Appendix 10 Part 2, Section G	<p>“1. Snohomish County Code Chapter 30.63A (Ordinance No. 15-102), as adopted January 11, 2016</p>	<p>Snohomish County Ordinance Nos. 15-102 and 15-103 did not adopt chapters 30.63A and 30.63B of the Snohomish County Code, they amended them. It is more accurate to state, as noted in the County’s proposed language, that those ordinances amended those chapters.</p>	<p>Revise as follows:</p> <p>“1. Snohomish County Code Chapter 30.63A as amended by Ordinance No. 15-102 on January 11, 2016</p>

Snohomish County Comments
Ecology's 2016 Modifications to the Phase I NPDES Municipal Stormwater Permits

		2. Snohomish County Code Chapter 30.63B (Ordinance No. 15-103), as adopted January 11, 2016”		2. Snohomish County Code Chapter 30.63B as amended by Ordinance No. 15-103 on January 11, 2016”
Phase I Permit	Appendix 13	Appendix 13 in its entirety	Snohomish County commends Ecology for the approach taken with Appendix 13, which revises source control program conditions for the City of Seattle related to the Lower Duwamish Waterway. This is the first time Ecology has made a programmatic revision of permit conditions pursuant to NPDES Permit Special Condition S4.G. While Appendix 13 does not apply to Snohomish County, the County has an interest in how Ecology uses an administrative process to modify permit conditions at a programmatic level. The permit revisions and the process that led up to them exemplify what is envisioned in the adaptive management / permit revision process set forth in Special Condition S4.	None