

The issues that the group has chosen to focus on are:

**Issue 1: Street Sweeping –Ecology has indicated that they may consider adding ‘Street Sweeping’ as a requirement within the Operations and Maintenance Section of the NPDES Phase I & II permits.**

1. Phase I and Phase II Permittees have concerns regarding adding street sweeping as a new O&M requirement.
2. Phase I Permittee’s see this as a potential problem as they already use street sweeping to gain points under the Structural Stormwater Controls (SSC) portion of their permit. Sweeping is one of the items in this program that can easily and reliably be completed within a permit cycle. Permittees need these types of options to achieve the SSC points as capital projects can take longer than a permit cycle to design, fund and build. If a permittee uses sweeping to meet SSC points requirements and there is an additional sweeping requirement in the O&M section of the permit, there could be a capacity issue for equipment & personnel to meet both requirements.
3. SSC is not a requirement within the Phase II Permits but Phase II Permittees also have concerns regarding adding sweeping as new O&M requirement.
4. Sweepers are expensive and not all permittees have their own sweepers.
5. Some Phase II municipalities already have a sweeping program but it is not necessarily centered around stormwater management. Some sweeping programs are focused on leaf removal for aesthetics and flood prevention. Sweeping programs may not be directly tied to stormwater goals and may be run by departments outside of stormwater management departments. These conditions may make it difficult to adapt an existing sweeping program to meet new Permit requirements.
6. For Permittees that may have their own sweeper, dealing with waste that is generated by sweeping is also a cost and concern if volumes increase. Some permittees currently contract street sweeping and/or catch basin cleaning and do not have a facility to hold this type of material prior to disposal. The process to create a storage site and obtain the necessary operational permits is lengthy, expensive and problematic. If the NPDES SW Permit requires expansion of sweeping programs, a long ramp up time must be included in order for Permittees to deal with budget, equipment, and staffing needs.

**Issue 1: Proposed Solution/Recommendation:**

1. Ecology needs to do a comprehensive cost benefit analysis prior to adding this as a permit requirement. That analysis could look at all Permit requirements and rank the relative benefits of all Permit requirements.
2. If Ecology adds sweeping as a new Permit requirement, the cost benefit analysis could include removing existing requirements to help defray costs and staffing needs.
3. The cost benefit analysis should include possible impacts to Phase I Permittee’s ability to meet Permit mandated SSC points.
4. The cost benefit analysis and Permit language proposal should be reviewed and approved by a technical review panel that includes all affected Permittees.

5. If Ecology adds sweeping as a Permit requirement, they should provide increased capacity grants to help Permittees purchase or contract for sweepers, pay for waste disposal and operators.

**Issue 2: Catch Basin Inspection/Maintenance – Phase Is are required to perform annual inspections of catch basins; Phase IIs are required to inspect every two years.**

(Permit Sections Phase I S5.C.10.d, Phase II S5.C.7.c.iii)

1. Phase Is feel that since the number of catch basins increases each year and many Permittees have between 15,000 and 20,000 catch basins, annual inspection frequency is too frequent.
2. Phase IIs expressed concerns that Ecology may increase the frequency in the Phase II permit to the annual inspection requirement and the potential increase in cost and resources would be unmanageable for these Permittees.
3. Catch basin inspection and cleaning is problematic for many permittees. Many jurisdictions do not own or operate a vactor truck and must contract vactor truck and crew services to complete the required catch basin inspections and cleanings. Without the capabilities to perform vactor truck work in-house, it is challenging for jurisdictions to perform maintenance on catch basins within the current timeframe of 6 months.
4. There has not been support from elected officials in many jurisdictions to purchase vactor trucks and hire additional maintenance workers necessary to perform catch basin cleaning in-house, leaving these jurisdictions at the whim of private contractor's schedule and pricing. Typically, jurisdictions are required to select the lowest responsive, responsible bid to perform work, leaving more expensive yet potentially more efficient contractors ineligible for award of the projects. Jurisdictions do not have full control over the private vactor service's schedule and prioritization and must compete with other jurisdictions and projects for those services. This capacity/scheduling issue is not currently allowed as a circumstance beyond the Permittee's control for not completing this permit requirement.
5. For Phase II, the arbitrary and unwritten deadline of completing catch basin inspections by August 1st cuts into significant continuous summertime months where inspections and maintenance are typically easiest to perform. This timing requirement is apparently a holdover from the 2013 Phase II permit but is not mentioned in the current permit. Ecology staff (Colleen Griffith) indicated at the Dec 16 Central NPDES Permit Coordinators Forum that it is necessary to complete inspections every two years by Aug 1. This date is not provided in the 2019 permit. It is very problematic for Permittees when Ecology imposes a deadline for a current permit cycle when it is not written into the current permit. Some municipal staff may be new to permit compliance and did not interact with the 2013 Permit, how would those staff even know that the Aug 1 deadline exists? This "unwritten" requirement sets municipalities up for non-compliance.
6. The guidance for the circuit approach for catch basin inspection is vague and lacking important details for implementation making this a problematic alternative. One issue is that there is no compliance metric for this alternative in the Permit. Permit Question Phase I Q.72 Achieved at least 95% of required catch basin inspections? (S5.C.10.d.iii) does not align well with the alternative of the circuit approach as the number of inspections is variable based on the circuit approach method. The Phase II Q. 66 "Inspected catch basins owned or operated by the Permittee every two years or used an alternative approach? (S.5.C.7.c.iii). In addition, the guidance document contains a number of "guidance conditions" that are undefined, unclear and vague. This makes the circuit approach method difficult to implement successfully.
7. Phase I Section S.5.C.10.d.i.(a) and Phase II S.5.C.7.c.iii(a) Choosing the less frequent CB inspections schedule also lacks clarity. Permittees hoping to implement this approach are

confused and unclear on how to implement this alternative and if Ecology “approval” is required prior to implementation.

8. The Phase I annual report questions are not clear for alternative approaches. For each approach, there should be an appropriate annual report question or the Phase II questions 66 and 67 should be utilized for the Phase I Permit.
9. Permittees request definition of catch basins and inlets and clarification that this permit section applies to inlets. The Phase I section title is “Maintenance of Catch Basins Owned or Operated by the Permittee” and does not mention inlets; however, some portions of the section mention inlets. Please add definitions and use terms consistently throughout the permit.
10. The permit should have a compliance metric for each compliance alternative. For instance, what is the compliance metric for the circuit approach? It is not stated in the permit. The standard approach of inspect all and clean as needed has a compliance metric of “the presence of an established inspection program designed to inspect all catch basins and inlets, or implemented alternative, and achieving at least 95% of required inspections.” Given as section S5.C.10.d.iii of the Phase I permit and section S5.C.7.c.iv. in the Phase II Permit. For the Phase II permit, the compliance metric is a cumulative for all required inspections of all stormwater facilities owned or operated by the Permittee.

**Issue 2: Proposed Solution/Recommendation:**

1. The following alternative for compliance is proposed for inclusion in the upcoming Permits.

“Inspecting and cleaning all catch basins in an MS4 twice per permit cycle as a compliance alternative. The suggested compliance metric for this alternative is of: The presence of an established inspection and cleaning program designed to inspect and clean all catch basins and inlets twice within the permit period that achieves at least 95% of required inspections and cleanings.”
2. Ecology should work on addressing concerns about the guidance for the circuit approach. Ecology should request information from Permittees who have tried to implement this approach and Permittees who are interested in implementing in an informal manner. Update the guidance document and Permit section to make this an implementable alternative. Some issues include: incomplete requirements stated in the permit language; no clear guidance on how the circuit approach fit within the Phase II every two year inspection requirement; what is the definition of “highly variable” per the guidance document and what analysis is used to determine if results are highly variable; additional action guidance based on the results of the 25% sample inspection.
3. Ecology should provide clearer guidance on implementing the less frequent CB inspections schedule within the Permit language. Some Permittees are unclear regarding notification to Ecology and if Ecology approval is required prior to implementation, please clarify.
4. Permittees request definition of catch basins and inlets and clarification that this permit section applies to inlets. The Phase I section title is “Maintenance of Catch Basins Owned or Operated by the Permittee” and does not mention inlets, however some portions of the section mention inlets. How does this section relate to zero sump catch basins? Are zero sump catch basins part of this permit requirement? The group requests that Ecology provides definitions and clarifications for these issues.
5. The permit should have a compliance metric for each compliance alternative.
  - a. The standard approach of inspect all and clean as needed has a compliance metric of “the presence of an established inspection program designed to inspect all catch basins and inlets, or implemented alternative, and achieving at least 95% of

required inspections.” Given as section S5.C.10.d.iii of the Phase I permit and section S5.C.7.c.iv. in the Phase II Permit. For the Phase II permit, the compliance metric is a cumulative for all required inspections of all stormwater facilities owned or operated by the Permittee. This metric also seems appropriate for the less frequent catch basin inspection approach.

- b. A compliance metric is needed for the circuit approach. The compliance metric within the permit does not seem appropriate for the circuit approach as the number of inspections is variable based on the results of the sample inspections. A recommended compliance metric for this approach could be “ the presence of an established inspection program meeting the requirements of Section Phase I and Phase II”
  - c. It is recommended that the Phase II Q. 66 "Inspected catch basins owned or operated by the Permittee every two years or used an alternative approach? (S.5.C.7.c.iii), be used in the Phase I Permit.
6. The permit language for catch basin inspection and cleaning under Phase II S5.C.7.c.iii. should either include the required deadline of August 1<sup>st</sup> every two years carried over from the 2013-2018 permit if that deadline is an Ecology requirement or Ecology should not have this August 1 deadline as a requirement. Due to issues with an Aug 1 deadline for catch basin cleaning as outlined above, this group recommends that the compliance schedule be adjusted to calendar years; this will help Permittees with scheduling, budgeting, and reporting for this work. In addition, the best time to inspect and clean catch basins is in dry weather and an Aug 1 completion date is problematic. Ecology needs to add the date back in, however; Permittees request that the cycle be modified to a two year calendar year cycle. This will also more clearly align with annual reporting which is based on a calendar year reporting period.

**Issue 3: 6 month maintenance follow up timeline after catch basin inspection. Phase I Permit Section S5.C.10.a.ii and Phase II Permit Section S5.C.7.a.ii**

The permit currently calls for maintenance of catch basins to be performed within 6 months following an inspection that indicates an exceedance of the maintenance standard. The 6-month timeframe is problematic for many jurisdictions for the following reasons:

1. The number of catch basins in each jurisdiction increases every year. This also increases the number of catch basins that must be inspected and cleaned each year; increasing the cost and time needed to manage this requirement including staffing needs and disposal costs.
2. Some jurisdictions do not own/operate a Vactor truck and have to use contracted services for this work. (Woodinville, Sammamish, Poulsbo, DuPont are examples of Permittees that use private vactor services). It is getting harder to find contractors and prices are increasing for this service. Some jurisdictions have old vactor equipment that is prone to breakdowns and is inefficient, which limits the number of possible working days and often making the work take longer.
3. Additional decant facilities are needed for catch basin waste.
4. There a 95% compliance metric for catch basin inspections but no tolerance is given for maintenance. As the Permit is written, all (100%) catch basins that require maintenance must have that maintenance completed within 6 months. Ecology should consider allowing a small percentage of maintenance to be completed outside of the required maintenance timeframe and change the compliance metric for maintenance to 95%.
5. Many jurisdictions with small to medium sized MS4s do not own or operate a vactor truck and must contract vactor truck and crew services to complete the required catch basin inspections

and cleanings. Without the capabilities to perform vector truck work in-house, it is challenging for these jurisdictions to perform maintenance on catch basins within the current timeframe of 6 months. Some Permittees may inspect their own catch basins and then attempt to contract cleaning. 6 months may be a timeline that is not possible to achieve due to requirements for contract negotiations and approval.

6. There has not been support from elected officials in some jurisdictions to purchase vector trucks and hire additional maintenance workers necessary to perform catch basin cleaning in-house, leaving these jurisdictions at the whim of the contractor's schedule. Typically, jurisdictions are required to select the lowest responsive, responsible bid on the project to perform the work, leaving more expensive yet potentially more efficient contractors ineligible for award of the projects. Jurisdictions do not have full control over the vector truck crew's schedule and prioritization and must compete with other jurisdictions and projects for the contractor's time. This issue is not currently addressed as a circumstance beyond the Permittee's control. Ecology should consider adding this as a condition beyond the Permittee's control.

**Issue 3: Proposed Solution/Recommendation:**

1. Jurisdictions with limited resources that do not have vacuum trucks have expressed the difficulty in meeting the requirement to perform maintenance within 6 months of identifying an exceedance of the maintenance standard for catch basins. The group recommends extending the maintenance timeframe for catch basins to either 8 months or one year.
2. The permit should also include an option to describe contractor failure to complete contractually obligated work as a circumstance beyond the Permittee's control under Phase I S5.C.10.a.ii or Phase II S5.C.7.a.ii. This issue is not currently addressed as a circumstance beyond the Permittee's control. Ecology should consider adding this as a condition beyond the Permittee's control.
3. The group further recommends allowing a 5% tolerance in the compliance metric for maintenance timeframes. Revise Permit language in sections S5.C.10.a.ii or Phase II S5.C.7.a.ii to have the compliance metric for maintenance percentages to 95%. Permittees that must rely on private contractors for catch basin inspection and/or maintenance may have little leverage in scheduling these private vendors and contractors for these vendors may take months to get through a municipality's contracting and approval processes.
4. As the number of catch basin increases, the cost for this program also increases. Ecology should significantly increase the dollar amount of the capacity or other types of grants to help with increased costs of all operations and maintenance programs including catch basin inspection and maintenance and to enable Permittees to purchase high cost items such as new vectors.

**Issue 4 Maintenance for Stormwater Treatment and Flow Control BMPs/Facilities**

1. Phase I Permit Section S5.C.10 a.ii. and Phase II Permit Section S5.C.7.c.i should allow for a tolerance in the maintenance requirements for stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee just as there are with inspection requirements. Some types of stormwater treatment and flow control BMPs/facilities require parts from other parts of the country or certified technicians to complete the work. Permittees are reliant on private companies to supply these parts and technical staff. With current and likely future issues with supply chains and other resource constraints, it can be difficult to meet the Permit timelines in all cases. The Permittees suggest 95% of required maintenance is completed within the Permit mandated timeframes instead of 100%.

**Issue 4: Proposed Solution/Recommendation:**

1. The group recommends that Permittees would be considered compliant with the maintenance requirements if 95% of stormwater treatment and flow control BMPs/facilities that need maintenance have it accomplished per the timelines of Phase I Permit Section S5.C.10 a.ii. and Phase II Permit Section S5.C.7.c.i. The group recommends that Ecology revise Phase I Section S5.C.10.a.ii and Phase II Sections S5.C.7.c.i to incorporate this proposed metric.
2. A minor change to Phase I Annual Report question 62 may be required, “Verified that maintenance was performed, per the schedule in S5.C.10.a.ii, when an inspection identified an exceedance of the maintenance standard?’, could be revised to: “Verified that maintenance was performed, per Section S5.C.10.a.ii, when an inspection identified an exceedance of the maintenance standard?” if the section is modified to allow for a 5% tolerance in completing maintenance for these facilities.

Similarly, in the Phase II Annual Report question 59 “Verified that maintenance was performed, per the schedule in S5.C.7.a.ii, when an inspection identified an exceedance of the maintenance standard?’, could be revised to: “Verified that maintenance was performed, per Section S5.C.7.a.ii, when an inspection identified an exceedance of the maintenance standard?” if the section is modified to allow for a 5% tolerance in completing maintenance for these facilities.