

S4F Topic Group White Paper

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The following report contains issues identified and recommendations of the S4F topic group. The report is organized into topics, explanations of the issue, comments made during the meetings and recommended adjustments or requests.

1) **The administrative burden for an S4F report is challenging for many jurisdictions because of the process for meeting the G19 signature requirement.**

- a. A G19 signator is often a senior administrator or public official that requires approval from multiple levels of management and accompanying documentation explaining the need for the S4F report in order to get the signature. This is burdensome and time consuming and can lead to a permit violation if the process takes longer than 30 days.
- b. Some members of the group questioned the value of producing both aG3 notifications and an S4F report for single-event incidents like spills. This concern is about single-event incidents where the water quality implementation plan consists of implementing current permit requirements with no need to change the geographic focus or change any other permit actions in response to the incident.
 - i. Is there a way to address the water quality violation and to come back into compliance with the permit for single event incidents that are already addressed by current permit requirements that would not require a G19 signature?
 - ii. Is there a way to combine G3 notifications and S4F reporting into a single report for single event incidents? Does Ecology need (use) the reports differently? Could it be coordinated?
- c. The S4F needs to be implemented equitably over the Regions. Currently, some jurisdictions file lots of S4F reports, other jurisdictions file very few.
- d. Need to ensure that Ecology has a way to ask for additional information for some situations, how can they ask through the system? Concerns about legal aspects.

Recommended solutions: Some members propose combining the S4F reporting process with the G3 reporting process for single event incidents. Some members propose that a G19 submittal for an S4F report not be required for single event incidents. Other members propose to extend the timeline for submittal (i.e. within 7 days of becoming aware, notify Ecology you will be submitting an S4F, then submit within 45 days) if the notification and signature requirements remain unchanged. Because of the varied recommendations, the committee recommends a follow-up conversation with Ecology.

2) **There is a lack of clarity in the permit defining credible site-specific information.**

- a. Insert a definition of credible site-specific information in the definitions section of the permit.
- b. The definition should include the following:

- i. The information must demonstrate the contribution of the MS4 outfall to the receiving water using samples from the MS4 and samples downstream from the outfall or samples taken from the receiving water upstream and downstream of the outfall.
- ii. Laboratory analyses should be done by an Ecology certified lab and obtained through documented methods
- iii. Field data should be conducted using calibrated instruments that have been documented and using a documented collection method
- iv. Documented observational data (photos or visual) can be used for oil sheens and turbidity plumes when obtained by qualified personnel.
- c. Qualified personnel:
 - i. Permittee's investigators should verify the reported field observation(s).

Recommended solution: Add definition of "credible site-specific information" to the definitions section using the conditions described above.

3) How to address the nexus between Construction General Permit/Industrial General Permit and Municipal Phase I & II permits.

- a. Benchmarks for Construction/Industrial Permit can be viewed as a G3 for the Municipal permittees as the water quality standards are 5 NTU over background when the background is 50 NTU or less; or a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
- b. The group identified the differences between Construction General Permit/Industrial General Permit and Phase I& II permits. Permittees may or may not be notified of CGP/IGP discharges that exceed benchmarks that are reported to Ecology. Some get ERTS, others not.

Recommended solution(s): Ensure that all exceedances reported from CSGP or ISGP permit holders be reported to the respective jurisdictions.

4) Currently there is no process other than a legal challenge to address differences between Ecology and the permittee on the contents of the Adaptive Management Report.

- a. Suggest adding a dispute resolution process for Adaptive Management Response Report.
 - i. What are the boundaries, what does Ecology do now?
 - ii. The directives may include things that aren't possible to do, such as extra sweeping without regard to conditions like ice, etc.
- b. Ecology requests additional information and/or actions that aren't in the Permit. Otherwise, Ecology would need to pursue a Permit Modification process.
- c. Implementation Plans from S4F may include work outside of Implementation Plan/Permit.
- d. The scope has changed to include Capitol Projects and may be high cost for producing new Implementation Plans.

Recommended solution: Insert the following statement into S4.F.3.b (Phase I & Phase II):
“If the permittee and Ecology have irreconcilable differences over the revised report then a dispute resolution process can be invoked.”

5) Workflow process and timeline process for S4F reporting and the timeline for S4F.

- a. Become aware, when does the clock start? What are the timelines for IC/IDDE and complaint response and how does that tie into S4F?
- b. Timeliness is a concern. Procedures for response create a level of insurance that response will happen in a timely manner. Maybe put timeliness in Definitions? Also in the flow chart?
- c. At what point do incidents lead to enforcement plans? What are the discretion points?
- d. Permittees (Phase Is and IIs) have the same timelines to respond to complaints.

Recommended solution: Add a flow chart as an appendix to the permit or as a Municipal Stormwater Permit Guidance document, showing the process and timeline from receiving a complaint to completing S4F remediation actions, including enforcement where needed.

6) Reporting S4F for discharges discovered implementing a TMDL. Already addressed under TMDL or enforceable water quality cleanup plan?

- a. What is the value of producing an S4F report for incidents discovered during a TMDL or enforceable water quality cleanup plan? This concern is about water quality implementation plans, implementing current permit requirements which will result in no change to the geographic focus or change any other permit actions in response to the incident.
- b. **Recommended solution:** Do not require a notification under S4F or use a non-G19 S4F (as described above) for discharges of pollutants that the TMDL is addressing discovered during the implementation or a TMDL or other enforceable water quality cleanup plan.