



**King County
Water and Land Resources Division**

Department of Natural Resources

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September 3, 1998

Megan White, Manager
Water Quality Program
Washington State Department of Ecology
Post Office Box 47600
Olympia, WA 98504-7600

RE: King County National Pollutant Discharge Elimination System (NPDES)
Stormwater Permit Annual Report

Dear Ms. White:

I am writing to report to you on the status of our stormwater management program (SWMP) as required under condition S10 of our Municipal Stormwater General Permits (numbers WASM13001, WASM23001, and WASM 33001), which were issued on July 5, 1995.

I have included a narrative piece that briefly addresses the report elements enumerated in the permits, as well as a variety of reporting tables that provide more detail on the status of the programs described in our SWMP.

Please do not hesitate to call me at (206) 296-6585, or Luanne Coachman at (206) 296-8381 to discuss this report and the appended materials.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Hansen".

Nancy Hansen
Manager

NH:LC:pra28

Enclosure

cc: Ed O'Brien, Washington State Department of Ecology
Pam Bissonnette, Director, King County Department of Natural Resources
Luanne Coachman, Water Quality Planner, Water and Land Resources Division

National Pollutant Discharge Elimination System Municipal Stormwater Permit Program Annual Report

**King County
September 3, 1998**

PROGRESS ON ADDRESSING EXCEPTIONS TO SWMP APPROVAL

A Department of Ecology letter of August 1, 1997 partially approved King County's Stormwater Management Plan (SWMP). Exceptions to the approval included the County's proposed revised Surface Water Design Manual (SWDM) and the County's actions to control phosphorous in Lake Sammamish.

Lake Sammamish

To gain approval of the Lake Sammamish portion of the SWMP, King County was charged with making commitments to both the goals of the 1996 Lake Sammamish Water Quality Management Plan (LSWQMP) and a long-term strategy to achieve them. The County's short term responsibilities were adoption of a 1998 strategy for achieving the LSWQMP goals and adoption of best management practices (BMPs) for phosphorous control consistent with the Sensitive Lake Protection Standards of the proposed revisions to the SWDM.

On November 24, 1997, the King County Council passed Ordinance No. 12926 adopting the King County budget for 1998. This ordinance included funding for the County's 1998 strategy for achieving the goals of the LSWQMP. Specific funded elements included a Lake Sammamish Program Manager, a Basin Steward, a dedicated erosion control inspector for construction sites in the drainage basin, and funds and staff to continue implementation of the forest conservation and non-point source control programs.

On January 26, 1998, the King County Council passed Ordinance No. 12992 adopting sensitive lake protection standards for the Lake Sammamish drainage basin. These were consistent with the standards in the proposed revisions to the SWDM as requested by Ecology.

On January 26, 1998, the Council also passed Motion No. 10388 authorizing the Executive to negotiate an interlocal agreement (ILA) with the other Lake Sammamish jurisdictions. Executive staff had anticipated that the ILA would be signed by June of 1998. Staff from the four jurisdictions were not able to agree on language by then, but a new draft is expected to be refined in September for presentation to councils in October.

The Surface Water Design Manual (SWDM)

On June 1, 1998, the King County Council adopted Ordinances No. 13189, 13190, and 13191 revising the County's earlier surface water management regulations. These ordinances take effect on September 1, 1998. The County has prepared a manual, available September 1, to guide implementation of the ordinance. Except for the King County Executive's signature, this manual has undergone the requisite procedures to become a public rule. The Executive is expected to sign sometime in September pending resolution of issues related to exemptions from flow control requirements in urban infill areas.

The SWDM is consistent with the draft reviewed earlier in 1998 by Ecology for compliance with Special Condition S7.B.8.a of the above-referenced permits. The County has received the Ecology letter of July 21, 1998, sent during the comment period on the public rule, that includes a summary of the actions Ecology believes the County must take before they can approve the County's compliance with S7.B.8.a. Staff charged with development and implementation of the County's manual are fully committed to the public rule process and the training program for manual users. We will respond to Ecology's letter in October 1998 after preparations for the training program are completed. We look forward to resolving all issues in a way that will achieve our common resource protection goals in the most cost-effective manner.

The following discussion focuses on the elements of the annual report required by the above referenced permits.

S10 (B) 1: STATUS OF IMPLEMENTING THE COMPONENTS OF THE SWMP

All the requisite components of a SWMP are in place in King County, with the exceptions noted above. Although there are a few minor changes in the timing or magnitude of some of our compliance activities, our program today continues to be substantially the same as that described in our approved SWMP.

S10 (B) 2: NOTIFICATION OF RECENT OR PROPOSED ANNEXATIONS OR INCORPORATIONS RESULTING IN A...DECREASE IN PERMIT COVERAGE AREA

From September 1, 1997 to August 31, 1998, King County lost 12,971 acres to annexations and incorporations. By the end of the permit term, that number is expected to increase by at least an additional 13,500 acres with the possible incorporation of the City of Sammamish. Recent annexations and incorporations have removed Lake Sawyer and the majority of Swamp Creek from our permit area. If the City of Sammamish incorporates, we will lose jurisdiction over a substantial portion of the area draining to Lake Sammamish, as well as Pine Lake, Beaver Lake, and Laughing Jacobs Creek. Information about the specific recent and proposed annexations and incorporations is shown on a map included in the Appendix.

S10 (B) 3 & 4: DIFFERENCES BETWEEN PLANNED AND ACTUAL EXPENDITURES FOR THE REPORTING PERIOD & REVISIONS TO THE REMAINING YEARS OF THE FISCAL ANALYSIS

King County's detailed fiscal analysis is included in the Appendix. In summary, the County's planned spending for National Pollutant Discharge Elimination System (NPDES) stormwater related activities in 1997 was \$41,187,613. Actual spending for 1997 was \$43,687,182—an increase of 6.07%. The planned spending for 1998 was \$40,999,081. The total adopted by Council was \$41,726,006—an increase of 1.77%. A report on the difference between adopted and actual spending for 1998 will be included in the 1999 report.

S10 (B) 5: FOR THE FOURTH-YEAR REPORT...

Not applicable this year.

S10 (B) 6: A SUMMARY DESCRIBING COMPLIANCE ACTIVITIES, INCLUDING THE NATURE AND NUMBER OF OFFICIAL ENFORCEMENT ACTIONS, INSPECTIONS, AND TYPES OF PUBLIC EDUCATION ACTIVITIES

Enforcement Actions and Inspections

The Local Drainage Services Unit (LDSU) produced a second-year evaluation on the self-certification program for commercial and multifamily drainage facilities. Its document is included in the Appendix. As a result of the second-year evaluation, LDSU is recommending that King County resume routine inspections for these facilities.

The County, in coordination with a stakeholder group, is preparing a report on erosion control activities related to a proposal by the King County Department of Development and Environmental Services for a new fee structure and budget that support a total of four dedicated erosion control inspectors who would focus their activities on erosion prone areas of the County. We plan to include the erosion control report in next year's Annual Report. Other information on enforcement actions and inspections is included in the Appendix on the tables labeled "Enforcement Activities Under KCC 9.12" and "Operations and Maintenance Reporting Table," respectively.

Public Involvement Activities

With the proposal for listing Chinook salmon under the Endangered Species Act (ESA), the Water and Land Resources (WLR) Division public education priorities have shifted from community involvement/hands-on volunteer events to public awareness of ESA issues and the related Regional Needs Assessment (RNA) and Regional Wastewater Services Plan. Although volunteer activities, such as plant salvage and Habitat Partners, continue to be part of the program, they will include a greater emphasis on habitat restoration. As well, the number of total events and citizen participants may decline as some public involvement staff are tasked with preparing the regional response to the ESA proposals. The numbers for 1997 citizen participation are contained in "Water and Land

Resources Division Public Involvement Reporting Table" in the Appendix to this report. The types of public awareness activities generated by ESA and RNA are discussed in the "Public Education & Involvement Draft Strategic Plan" included in the Appendix. One of the ongoing WLR Division public education activities that continues in the ESA environment is the publication of *Downstream News*, which is circulated to 8,500 readers: citizens, teachers, community groups, and others. A copy of the most recent issue is also included in the Appendix.

Information about the public information and outreach activities of the Local Hazardous Waste Program (LHWP) is included in the monthly publication *Flashpoint*, the LHWP newsletter, included in the Appendix.

Other Compliance Activities

In addition to the documents described above, the Appendix to this report also includes information on other compliance activities continuing in the County: water-related capital improvement projects (CIPs) such as improving fish passage, etc, and mapping of the County's storm sewer system.

S10 (B) 7: IDENTIFICATION OF KNOWN WATER QUALITY IMPROVEMENTS OR DEGRADATION

A public swimming beach monitoring program has been conducted in 1996, 1997, and 1998 as a cooperative effort of WLR Division, King County Environmental Laboratory, and Seattle King County Public Health Department (SKCPHD). In 1998, 21 public swimming beaches on lakes Washington, Sammamish, Five-Mile, Wilderness, Pine, Beaver, and Green Lake were sampled weekly from June through September. All bacterial data was immediately transferred to the Seattle King County Public Health Department for determinations on public health, and to contacts at local jurisdictions and parks departments.

Data from the beach monitoring program was used by the SKCPHD to identify potential public health problems. Juanita Beach (King County parks) and Meydenbauer Beach (City of Bellevue) on Lake Washington, and Pine Lake Beach (King County parks) were closed to swimming until monitoring showed bacterial counts back in an acceptable range. Bacterial sources were primarily goose feces, determined by ribonucleic acid analysis at the University of Washington. This information was used to improve maintenance practices at the parks which contributed to the improved water quality in the public swimming areas. The City of Bellevue investigated Meydenbauer Beach, with background data from the King County Major Lakes Program and laboratory support from the King County Environmental Laboratory.

Next year, the fourth year of this permit term, the County will provide an in-depth analysis of the changes to water quality that can be identified on the basis of the monitoring described in our SWMP. For now, the Appendix includes a table showing the Basin Management Evaluation Program monitoring activities that are planned and have been completed.

S10 (B) 8: STATUS OF WATERSHED-WIDE COORDINATION

King County's extensive watershed-wide coordination activities are described at length in its SWMP. However, the National Marine Fisheries Service proposal in March 1998 to list Chinook salmon as threatened under the Endangered Species Act (ESA), combined with the salmon bills passed by the legislature this year, along with the significant lead time needed for the County and the cities to develop and secure regional funding, is resulting in some changes to these activities.

The Watershed Forums described in the County's SWMP have worked very well. In late 1997, the Central Puget Sound (CPS) Forum was convened by mutual agreement of King County and the affected municipalities. This is the fifth and last of the watershed forums (the Forums) planned as part of the County's program, established in 1995, to promote regional cooperation for managing surface waters and to assess regional needs for fish habitat, flood hazard reduction, and water quality. In response to the request of the CPS Forum, the Regional Funding Principles, a set of policy guidelines for providing regional surface water management services developed by representatives of the other four forums (Snoqualmie, Sammamish, Lake Washington, and Green) were expanded in early 1998 to recognize the importance of the County's nearshore environments to anadromous fish.

Short term regional funding for the five forums, however, planned as part of the King Conservation Assessment for 1998, has been delayed by a lawsuit. Even without these funds, all five forums have made substantial progress in 1998 towards improving the habitat and water quality of their watersheds. This progress is reported on the *Watershed Management Reporting Table* in the Appendix. Updates on the implementation of the County's Basin Plans and Small Lakes Management Program are also included in the Appendix. (A report for the Hylebos Creek/Lower Puget Sound Basin is not available—most of that basin is no longer under the County's jurisdiction. The Soos Creek CIP plan table is not included for this year as the CIP funds allocated to that plan have all been expended and no additional plan-related CIP work has occurred since the last report.)

Several bills, including HB 2514, were passed by the legislature in March of 1998 and based their implementation strategy on the water resource inventory areas (WRIAs) established by Ecology in response to RCW 90.54, the Water Resources Act of 1971. However, the County's Watershed Forums' areas do not conform exactly to the WRIA's. While there is good conformance between the Green/Duwamish Forum and WRIA 09, and between The Lake Washington and Sammamish Forums' areas and WRIA 08, the Snoqualmie Forum is only a portion of WRIA 07 and the Central Puget Sound Forum is located within four different WRIA areas (WRIAs 08, 09, 10, and 15).

As the 1998 legislative session and subsequent state and federal actions have made it clear that WRIA boundaries will be used as the primary basis for responding to the proposed listings of salmonids under ESA, the County has convened meetings for WRIAs 08 and 09 to explore the formation of WRIA planning units for directing an interjurisdictional response to ESA. The first of the WRIA meetings were both well attended by elected officials from the cities, counties, and water districts; tribes; environmental groups; and interested citizens. The coordinators of the Green, Lake

Washington, Sammamish, and CPS forums will be taking the lead in the formation and activities of the planning units for WRIAs 08 and 09. The Snoqualmie coordinator will work with Snohomish County, which has the lead for WRIA 07. King County will also work with Pierce County, which has the lead for the White River, WRIA 10. Additionally, administrative discussions are underway on the possibility of transferring Vashon Island, which is politically tied to King County, from WRIA 15 (Kitsap) to WRIA 09 to facilitate the ESA response.

Snohomish, King, and Pierce counties contain the most densely urbanized areas of the state; they are among the few (seven) jurisdictions in the state currently covered by the NPDES stormwater permitting system; and as mentioned above, they share watersheds. (Portions of Snohomish County are included in WRIA 08,—that county has participated on both the Lake Washington and Sammamish forums and will be a member of the WRIA 08 planning unit.) Given these relationships, it was logical that the three counties should work together on a response to the listings proposed under the ESA. Accordingly, King County Executive Ron Sims in April 1998 convened a tri-county ESA response group. Under Sims' leadership, this group figures significantly in the state's salmon recovery planning, and will provide overall policy guidance to the WRIA planning activities referenced above.

At present the organization, funding sources, and activities of both the WRIA and tri-county ESA response are still being finalized. By 1999, when the applications, including new SWMPs, are due to Ecology for the next five-year NPDES permits, we plan to include descriptions of the activities proposed to be covered. We understand that the threat to the salmonid resources expressed by an ESA listing proposal is also a water quality concern under the Clean Water Act (CWA): the loss of a fisheries or habitat use ascribed to a waterbody by a narrative water quality standard is a degradation of the waterbody under CWA. As a result of this linkage between the two laws, the CWA programs described in the SWMP proposed for the next permit term are likely to comprise a significant portion of the County's ESA response.

Prior to the ESA listing proposal for Chinook salmon, the Regional Needs Assessment was the primary focus of the County's watershed-wide coordination efforts. In response to the listing proposal, the projects identified as regional needs will be reprioritized based on their relevance to salmon recovery. Additionally, the County's efforts towards securing sources of regional funding for fish habitat, water quality, and flood hazard reduction have been coordinated with the need to secure a source of regional funding for the ESA response. The Executive Preliminary Funding Recommendations were presented to the Council in July 1998. A copy is included in the Appendix to this report. These recommendations will be finalized in October 1998. There was widespread support for developing a regional stormwater fee under the authority of R.C.W. 35.58.200. This would require development of a comprehensive regional plan addressing habitat, water quality, and flood protection as well as a rate that could fund implementation of the plan. Both the plan and the rate would then require approval by cities through interlocal agreements with King County. The County hopes to accomplish this in time to initiate the fee in 2000.


CONCLUSION

King County's SWMP continues substantially as planned and disclosed in our approved submittal, although the emphasis of our management activities is shifting to, and converging on, responding to the threats to the survival of salmonids.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MUNICIPAL STORMWATER PERMIT PROGRAM**

CERTIFICATION:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.



Nancy Hansen, Manager
King County Water and Land Resources Division

9/3/98
Date