

STORMWATER MANAGEMENT PLAN



CITY OF MILL CREEK

2023

1.0 INTRODUCTION

The Western Washington Phase II Municipal Stormwater Permit issued to the City of Mill Creek requires the annual preparation of an updated Stormwater Management Plan for the City of Mill Creek (henceforth, “Mill Creek”).

This plan describes activities Mill Creek performed during the period January 1, 2022, to December 31, 2022. This plan also details the anticipated activities for 2023. This Stormwater Management Plan will be submitted to the Washington State Department of Ecology by March 31, 2023.

1.1 The Federal NPDES Program

The National Pollutant Discharge Elimination System (NPDES) is a federal program created under the federal Clean Water Act. The intent and goal of the program is to protect and restore water quality in the nation’s natural receiving water bodies, such as lakes or streams, so these natural receiving waters can continue to support “beneficial uses” both presently and into the future. Governments and private entities alike that wish to discharge water to natural surface waters regulated by the federal government (designated Waters of the United States) must obtain permits issued to comply with NPDES requirements. If permits are not obtained, or conditions of the permit not fulfilled, permittees can face fines or other penalties.

Permits issued under NPDES are written for a wide variety of permittees and/or activities. Examples include discharges from construction sites, concentrated animal feeding operations and similar agricultural activities, industrial operations and activities, publicly- and privately-owned and operated wastewater treatment plans, and municipal stormwater utility systems.

Permits issued under NPDES for municipal permittees are divided into Phase I and Phase II permits. Phase I permits are issued to large municipalities (cities and counties) that exceed certain population caps (depending on the nature of the permittee). For cities, Phase I permittees are typically those with populations over 100,000. Phase II permits are issued to smaller municipalities like the City of Mill Creek.

1.2 Washington State Participation In The Federal NPDES Program

In Washington State, the US Environmental Protection Agency delegates the authority over NPDES permits to the Washington State Department of Ecology (Ecology). In response, Ecology develops and issues the Western Washington Phase II Municipal Stormwater Permit.

Additionally, Ecology incorporates compliance with State of Washington laws and policies governing various aspects of stormwater management, including discharging to natural surface waters regulated by the state government (designated Waters of the State). These additional elements include protection for natural receiving waters that may not be regulated on the federal levels, and include surface water bodies such as wetlands and groundwater, in addition to lakes and streams.

Ecology structures each permit’s conditions and requirements to build upon those of the previous in a phased implementation approach. This approach was taken in order to

better stage and sequence a steady program of improvements by municipalities. This structure also allows Ecology to review the effectiveness of existing permit conditions and requirements while developing the next permit.

The first Western Washington Phase II Municipal Stormwater Permit was issued in February 2007, with coverage provided until February 2012. This permit formalized the previous requirements and conditions introduced by Ecology, as well as introduced municipal permittees to the phased implementation approach for municipal stormwater management programs. Ecology subsequently extended the first permit coverage to July 31, 2013.

The second Western Washington Phase II Municipal Stormwater Permit became effective on August 1, 2013, with coverage provided until July 31, 2018. Ecology subsequently extended the second permit coverage to July 31, 2019. This permit's conditions and requirements combined those of the previous permit with new requirements that were required to be implemented by the permittee at milestone deadline dates throughout the duration of permit coverage.

The current Western Washington Phase II Municipal Stormwater Permit was issued to Mill Creek on August 1, 2019. This current permit will remain in effect until July 31, 2024. Ecology has not indicated whether any extension of this permit coverage will be implemented, as with previous permits. Similar to the previous permit, the current permit's conditions and requirements combine those of previous permits with new requirements to be implemented by the permittee.

Mill Creek is committed to meet the milestone deadlines and schedules indicated for each permit condition and its associated surface water program elements, in order to maintain full compliance with our Western Washington Phase II Municipal Stormwater Permit.

1.3 The Mill Creek Stormwater Management Plan (SWMP)

The SWMP prepared each year by Mill Creek addresses following surface water program elements, as identified by the current Western Washington Phase II Municipal Stormwater Permit:

- Stormwater Planning (Section 2.0)
- Public Education and Outreach (Section 3.0)
- Public Involvement and Participation (Section 4.0)
- Municipal Separated Storm Sewer System (MS4) Utility Mapping and Documentation (Section 5.0)
- Illicit Discharge Detection and Elimination (Section 6.0)
- Controlling Run-Off from New Development, Redevelopment, and Construction Sites (Section 7.0)
- Municipal Operations and Maintenance (Section 8.0)
- Source Control for Existing Development (Section 9.0)
- Monitoring (Section 10.0)
- Compliance With Total Maximum Daily Loads (TMDLs) (Section 11.0)
- Reporting (Section 12.0)

Each of the elements listed above will be addressed in the indicated individual sections of this SWMP.

Stormwater Management Program Plan Reference in Western Washington Phase II Municipal Stormwater Permit: Section S5.A

1.4 Request for Public Comment on SWMP

Prior to submitting this SWMP to Ecology, Mill Creek is required to post this document as a draft on our city website and request public comments and questions pertaining to the SWMP.

The draft SMWP can be found here:

https://cityofmillcreek.com/city_government/public_works_and_development_services/surface_water_utility/annual_stormwater_management_plan .

In order to be considered for this SWMP, all comments and questions must be received by Mill Creek no later than **March 30, 2023**. Public comments and questions received by that deadline will be included in the final version of this SWMP.

Public comments and questions can be offered by submitting comments in writing to Mill Creek. Comments may be provided in one of the following ways:

- Email comments to Frank Reinart, City Engineer, at frank.reinart@millcreekwa.gov

- Postal mail comments to:

City of Mill Creek Department Public Works and Development Services
ATTN: Frank Reinart, City Engineer
15728 Main Street
Mill Creek, WA 98012

- Hand delivery written comments in an envelope labeled to:

City of Mill Creek Department Public Works and Development Services
ATTN: Frank Reinart, City Engineer
15728 Main Street
Mill Creek, WA 98012

1.4.1 Public Comments Received for SWMP

No written comments have currently been received from the public for the 2023 draft SMWP. Consequently, no comments or responses have been included in this version.

The final version of the 2023 SWMP can be found here:

https://cityofmillcreek.com/city_government/public_works_and_development_services/surface_water_utility/annual_stormwater_management_plan .

1.5 Management of the Surface Water Utility

This SWMP primarily details Mill Creek activities contributing to compliance with the current Western Washington Phase II Municipal Stormwater Permit. Permit compliance is one of several components of overall surface water utility management by Mill Creek.

Mill Creek operates a utility enterprise called the Surface Water Utility primarily funded by local private and public property owners. In addition to permit compliance activities, our Surface Water Utility activities include managing utility-related capital improvement programs and projects and implementing such operations and maintenance activities as are necessary to maintain the performance and functions of our publicly-owned stormwater infrastructure.

For information on various Surface Water Utility-related activities, please visit our Department of Public Works and Development Services website at [Public Works & Development Services](#).

2.0 STORMWATER PLANNING

The current Western Washington Phase II Municipal Stormwater Permit added a section of permit conditions and requirements that was not present in the previously-issued Western Washington Phase II Municipal Stormwater Permits. Stormwater Planning under the current permit requires Mill Creek to expand the scope of typical utility planning to inform and support the development of municipal policies and strategies for permittees. These policies and strategies will subsequently be used to develop specific, proactive, surface water management tools and practices by municipal permittees, with a particular focus on water quality improvement tools and practices.

Stormwater Planning Reference in Western Washington Phase II Municipal Stormwater Permit: Section S5.C.1

The following sections describe permit conditions and requirements related to Stormwater Planning and the activities Mill Creek plans during 2023 to meet these requirements.

2.1 Interdisciplinary Staff Team

Mill Creek reduced participation of its interdisciplinary staff team on a quarterly basis due to staffing changes during 2022. These meetings were also used to report progress on permit compliance, discuss and expand staff understanding of specific stormwater-related subjects related to Mill Creek, and identify and discuss future ideas for the overall municipal surface water program.

Presently, regular meeting attendees include representatives from the engineering services, operations & maintenance, marketing and communications specialists, and planning groups within the Department of Public Works and Development Services.

During 2023, both newly-hired staff and additional staff are anticipated to be invited on an as-needed basis to discuss or explore stormwater program-related subjects particular to their departments. A primary benefit in the monthly frequency was to introduce new staff to the Mill Creek Surface Water Utility and the Western Washington Phase II Municipal Stormwater Permit requirements. These attendees may include the Finance Director, representatives from the Mill Creek Police Department, and others.

2.2 Regional Interagency Participation

Mill Creek continues to participate in regional NPDES permit coordinators meetings, with a particular focus on attending the meetings of the Central and the North Sound NPDES Coordinators groups. This attendance and participation will be maintained during 2023. Mill Creek also participates in regional salmon recovery efforts through attendance at Watershed Inventory Area #8 (WRIA 8) monthly meetings of technical and implementation groups.

2.3 Long Range Planning Coordination

Long range planning by the Mill Creek Department of Public Works and Development Services includes three broad categories:

- Long range land use and development policy planning, including citywide comprehensive planning, parks and recreation planning, green space/open space management, and subarea planning;
- Capital engineering planning, including Capital Improvement Plans, Capital Facility planning, Transportation Improvement Plans, Surface Water Utility facility and conveyance needs and strategic planning, and right-of-way (ROW) corridor studies/plans;
- Surface Water Utility comprehensive planning, including long-range planning specific to compliance with the Western Washington Phase II Municipal Stormwater Permit and coordination with and between other long-range planning efforts as they pertain to and/or affect surface water and stormwater management.

Long range planning by Mill Creek has been reduced during the past couple years, primarily due to staff departures and the limited time available to new staff to both become familiar with current programs and activities and continue longer-range strategic planning efforts. A senior planner position was filled in early 2022 but the key Planning and Development Services Manager position was not filled until early 2023.

During 2023, staff will renew long range planning efforts and the Mill Creek Surface Water Coordinator will strengthen coordination between the municipal stormwater program and broader Mill Creek long-range planning and strategic plan updates. Particular items for coordination during 2023 include:

- Increasing review with Mill Creek planning staff to integrate proactive stormwater management requirements and natural receiving water protection and improvements.
- Increasing participation in discussions of potential changes, as evaluation of those begins, in Mill Creek's current and future land-use policies.
- Participating in the update to Mill Creek's 2015 Comprehensive Plan and the Middle Housing efforts, particularly as they pertain to stormwater and surface water management subjects.
- Participating in implementing the projects programmed in the 2023-2028 Capital Improvement Plan, with a particular focus on Surface Water Utility capital improvement programs and projects.

Mill Creek provided responses in December 2022 to Ecology questions about these long-range planning and coordination activities undertaken during the current Western Washington Phase II Municipal Stormwater Permit. The scope of these responses included locally- and regionally-initiated, as well as any state-mandated, long-range land use plans that are used to accommodate growth or transportation.

The Ecology questions addressed as part of this requirement were as follows:

1. List the relevant land use planning efforts that have taken place in your jurisdiction (land use plans that are used to accommodate growth management, or transportation).
2. List the stormwater capital projects (currently in or slated for future design and construction) that resulted from this planning.

3. Describe watershed protection measures associated with stormwater management and land use planning actions that resulted from this.
4. Were land acquisitions identified that are useful for stormwater facilities to accommodate growth?
5. Did your jurisdiction identify corrective actions, in addition to the minimum requirements of the Municipal Stormwater Permits, to control or treat municipal discharges that pollute waters of the State? If yes, briefly describe and list relevant plan or code sections, if applicable.
6. Were there updates to goals and policies related to investment in stormwater management facilities/BMPs? If yes, briefly describe.
7. Does the long-range plan identify the location and existing capacity of the stormwater facilities owned or operated by the permittee and show which of those have unused capacity?
8. Do these stormwater facility locations impact where housing, or other types of development, are projected to be located or influence the acquisition of land?
9. Does the long-range plan identify a lack of facilities and the potential impacts of existing or new development to those areas and receiving waters?
10. Are there any new proposed locations and capacities of stormwater facilities needed for the timeframe of the plan?
11. Based on the projected population densities and distribution of growth over the planning period, describe how stormwater runoff impacts are forecasted. Does stormwater management information (including water quality) direct where growth is directed?

The phrasing of Ecology's questions is intended to be generic across multiple Phase II permittees, and each permittee responds to them as appropriate and applicable.

2.4 Low Impact Development (LID) Code

No Mill Creek Municipal Codes have been updated since the previous LID City code review. No Mill Creek Municipal Codes have been found to apply administrative or regulatory barriers to implementation of either LID principles or LID best management practices (BMPs). Permittees are required to include and incorporate LID principles and BMPs, as applicable, to new local development-related codes, rules, standards, or other enforceable documents.

Mill Creek did complete a comprehensive update of the City Street and Development Standard Plans, which was released in January 2022. This update included adding clarifications and enhancing references to LID details in an effort to enhance LID use in Mill Creek during development projects.

Mill Creek will continue annual reviews of municipal Code and related policies, with the next review to be completed by June 30, 2023, to identify code changes containing new or changed administrative or regulatory barriers to the use of LID in Mill Creek. In the event barriers are identified during annual reviews, Mill Creek will document the identification and describe the mechanisms to be used to address and remedy the barrier.

2.5 Stormwater Management Action Plan (SMAP)

The Mill Creek Public Works and Development services department began updating the Stormwater Management Action Plan (SMAP) in late 2021. Plan preparation was suspended during 2022, due to a lack of staff availability, but was resumed in early 2023. Mill Creek will continue the effort to complete the SMAP during 2023, but does not expect to meet the deadline of March 31, 2023 identified in the current Western Washington Phase II Municipal Stormwater Permit.

Three milestones for the SMAP are identified by Ecology:

- **Assess receiving water bodies:** This milestone entailed compiling a watershed inventory for Mill Creek that includes a description of the watershed(s) located within the municipal boundaries, including relative conditions of both the natural receiving water(s) and contributing area(s) associated with each receiving water. Based on the relative influence of each receiving water and contributing area to the overall existing watershed conditions, this milestone will involve identifying which receiving water(s) and associated contributing area(s) will or will not move on to the next Prioritization milestone step.

This milestone was completed by its deadline of March 31, 2022.

- **Prioritize receiving water bodies:** This milestone entailed preparing and implementing a suitable prioritization method and process to evaluate, from the receiving water(s) and contributing area(s) advanced from the previous milestone, which receiving water within the municipal watershed(s) will receive the most benefit from the implementation of future stormwater facility retrofits and/or new facilities, other identified stormwater management actions and strategies, and/or new or amended land development-management actions and activities in that water's associated contributing area.

The main goal and objective for future actions and activities is to better conserve, protect, and/or restore natural receiving waters within the Mill Creek area. As part of this milestone and focusing upon the priority receiving water selected during this milestone, Mill Creek will identify and describe stormwater utility and land/development management methods suitable for effective implementation for that priority receiving water that are expected to add water quality management value by reducing pollutant loading, addressing hydrologic impacts from existing Mill Creek development, and/or be suitable to address future impacts from Mill Creek planned and expected future buildout conditions.

This milestone was completed by its deadline of June 30, 2022.

- **Prepare the Stormwater Management Action Plan (SMAP) document:** This Mill Creek strategic plan document will describe elements of the near-future Mill Creek Surface Water Utility work plan that focus upon the priority receiving water and its associated contributing area basins. Elements in this plan are expected to include:
 - A program of stormwater facility retrofits and new facilities, preferred system types and locations, and expected water quality benefits

- A strategic program of future new and/or revised land management/development policies, expected nature of changes (e.g. Mill Creek Municipal Code, Comprehensive Plan Update, specific City program plan, etc.), and expected water quality benefits
- A program of targeted and/or enhanced stormwater management action implementation focused on the priority receiving water and its associated contributing area basins.

The SMAP will include a proposed implementation schedule for the plan and review needed source(s) of funding and other needs and requirements to implement the elements of the plan. This implementation schedule will include future milestones for future assessment and feedback evaluations for future improvement of the plan.

This milestone has not been completed by its completion deadline of March 31, 2023, but is anticipated to be completed during 2023.

3.0 PUBLIC EDUCATION AND OUTREACH

The importance of public education and outreach continues to be emphasized in the current Western Washington Phase II Municipal Stormwater Permit. General awareness efforts were introduced in previous permits, and the current permit requirements increase implementation of methods to evaluate the effectiveness of past, present, and future public education and outreach efforts.

Public Education and Outreach Reference in Western Washington Phase II Municipal Stormwater Permit: Section S5.C.2

The following sections describe permit conditions and requirements related to Public Education and Outreach and the activities Mill Creek plans during 2023 to meet these requirements.

3.1 General Awareness Programs

During 2023, Mill Creek will continue developing and rolling out a variety of public education and outreach programs pertaining to stormwater topics identified by City staff and public input during 2022.

During 2023, opportunities for general awareness include:

- Maintaining public outreach and educational efforts supporting good pet waste management, including supplying City pet waste stations and supporting the implementation of pet waste stations by local neighborhood associations in their recreation areas.
- Storm drain clearing (particularly during autumn and winter seasons) and proactive response to prepare for and manage both wet and snowy weather conditions and their impacts on the public and private runoff control. These efforts typically focus upon the residential homeowner or tenant, as commercial properties typically already have plans for their property drainage systems.
- Providing education and technical advice for the operation and maintenance of privately-owned and -maintained stormwater facilities and best management practices (BMPs).
- Promoting stormwater topics at citywide public events, particularly well-attended summer events such as the annual Mill Creek Festival and periodic Party In the Parks events.
- Providing education and technical advice for commercial property owners and business management in the importance of pollution source control and implementing means specific to the natures of the business.
- Improving public education and outreach specific to car washing activities, particularly those taking place on residential property. This effort will include the importance, and potential methods that may be needed to avoid wash water discharge into the public and private stormwater conveyance systems.

3.2 Behavior Change Improvement Program

After considering several options, Mill Creek staff identified a particular priority regarding private stormwater facility maintenance in 2022. Much of the overall Mill Creek stormwater runoff contributing area is managed by these 138 privately-owned and -maintained facilities, either residential HOA or commercial, rather than those operated by the Mill Creek Surface Water Utility. Private stormwater facility operators, such as residential HOAs or commercial property owners, are responsible for maintaining and implementing effective operation and maintenance of their facilities. This responsibility includes securing the necessary funds for on-going activities from their residents or tenants.

One substantial impediment to successful private facility inspection and maintenance “behavior” by owners was a lack of relevant, facility-specific, and understandable information on the means and methods that need to be implemented. Reluctance to incur expense was also a limiting factor to proactive inspection and maintenance.

Based on this information, the Surface Water Utility shifted to private facility inspection and maintenance as the best-management practice focus of a behavior change campaign appropriate for Mill Creek’s stormwater needs. The target audience is now the homeowners/neighborhood associations and/or their property management firms, in addition to commercial properties owning stormwater facilities.

This implementation was expanded to more neighborhood associations in 2022 and this will continue in 2023. Mill Creek is on-track to be able to evaluate the effectiveness of the current program, and determine if additional and/or changed efforts are needed, by March 31, 2024.

3.3 Mill Creek Stewardship and Volunteer Activities

During 2023 Mill Creek expects to re-introduce more of the volunteer and stewardship opportunities that were curtailed in previous years due to COVID-19.

In particular, a citywide Adopt-a-Drain program has been identified as a goal program to begin in 2023, assuming staff availability. Many of the public catch basin drain grates are located in low-volume residential streets and can be adopted by local residents. A pilot project based on a “Citizen Science” approach utilizing a cell-phone based reporting tool and a map to track engagement and recognize problem areas will build on existing recognition that keeping street drain grates clear, particularly during late summer and autumn, is important for effective street and private property drainage alike.

During 2023, the city will continue to encourage and, when requested, provide technical advice and guidance to neighborhood and other residential associations in their stewardship efforts to remove invasive vegetation from green space areas in their private management areas. During 2023, Mill Creek anticipates expanding encouragement for these community organizations to identify open and green space areas where invasive vegetation pervade, remove them, and replant the areas with native vegetation.

4.0 PUBLIC INVOLVEMENT AND PARTICIPATION

Similar to the importance of public education and outreach, involvement and participation continues to be emphasized in the current Western Washington Phase II Municipal Stormwater Permit, with the recognition this element will continue to expand, especially as emphasis on the role of equity in community development and city services, of which stormwater utilities, grows. In the case of this program element, requirements for the current permit are largely unchanged from the previous one. One general change, however, involves encouraging public engagement and involvement, including from overburdened communities, in the preparation of the Stormwater Management Action Plan (SMAP) described previously in Section 2.

Public Involvement and Participation Reference in Western Washington Phase II Municipal Stormwater Permit: Section S5.C.3

Mill Creek offers the public a number of different options to participate in decisions relating to the Surface Water Utility and its programs.

The public is invited to review and comment upon these annually-updated Stormwater Management Plan (SWMP) documents. Draft documents are typically posted to the city's website in February or March. The invitation to provide comments and feedback is then extended through City Council meeting announcements and social media. The final annual SWMP is posted to the City website by May of each year. The instructions for the comment period on this 2023 SWMP are found in Section 1.4.

Mill Creek also offers telephone and email contact information on the city's website for the public to report stormwater-related issues and concerns. The public is always invited to provide public comments during regular City Council meetings, including on stormwater-related subjects of interest or concern.

Of particular interest during 2022 was the invitation for the public to review and comment on the City 2023-2024 biennial budget process, which includes project, program, and financial planning for the Mill Creek Surface Water Utility projects and programs. This process included development of a 2023-2028 Capital Improvement Plan, which includes City stormwater utility capital improvements planned during the next six years. This process in Mill Creek generally starts during late summer/early autumn of each even-numbered calendar year. During 2022, City Council publicly reviewed these project proposals between October and November.

During 2023, the City plans to invite public participation in the development for the new Stormwater Management Action Plan (SMAP). More on the goals, purpose, and development of the SMAP can be found in Section 2.5. Although actions identified in the SMAP will likely not directly affect the previously-mentioned biennial budget process, it will shape goals and objectives of future biennial budget, project planning, and code amendment processes.

5.0 MS4 MAPPING AND DOCUMENTATION

The Mill Creek stormwater utility system is a municipal separated storm sewer system (MS4). The MS4 largely encompasses the full city-operated stormwater utility system, including both conveyance and stormwater treatment/management facilities, and the natural waters that receive outflow from the engineered portion of the system.

The current Western Washington Phase II Municipal Stormwater Permit has continued to expand upon previous permit requirements for this element. Additional requirements under the current permit include expanding the types of required information to be available on maps and developing maps more compatible with analyses needed to support stormwater program long-range planning.

MS4 Mapping and Documentation Reference in Western Washington Phase II Municipal Stormwater Permit: Section S5.C.4

The following sections describe permit conditions and requirements related to MS4 Mapping and Documentation and the activities Mill Creek plans during 2023 to meet these requirements.

5.1 Citywide GIS Mapping Update

During 2021 and in partnership with the Association of Washington Cities' (AWC) GIS Consortium program, Mill Creek began a comprehensive update and consolidation of its infrastructure mapping and citywide geographical information systems (GIS) resources. This project started with the Surface Water Utility and included a GIS re-integration of previously-generated maps for the City stormwater utility and other City infrastructure. This approach conforms to the requirement of the current Western Washington Phase II Municipal Stormwater Permit that mapping be in electronic format.

During 2022, updated stormwater utility maps were generated and posted to the city website for public use, as well as for providing access required by the current Western Washington Phase II Municipal Stormwater Permit for Ecology, other municipalities and agencies, and federally-recognized tribes.

During 2023, the City of Mill Creek is required to complete mapping of all known connections from the MS4 to privately owned stormwater systems, as well as provide a more complete and updated asset management profile of all known outfalls, their size and their material composition.

5.2 Ongoing and New MS4 Mapping Activities

During 2023, efforts will continue to actively improve Mill Creek's MS4 mapping resources maps by incorporating data gathered from field inspections, as-builts for new developments, and similar activities. This effort will include identifying and correcting any errors or omissions to be corrected through field surveying by City staff and others. This improvement effort continues to include identification of public and private connections not previously documented by Mill Creek.

6.0 ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

Illicit Discharge Detection and Elimination (IDDE) programs are intended to prevent contamination of surface water and groundwater. They include monitoring, tracing of pollutant sources, and removing non-stormwater discharges such as gray water from car or pressure washing, and disposal of household or other domestic waste, including solids. Illicit discharges can take a variety of forms, including:

- An illicit connection (e.g. one not approved by the city, etc.)
- Discharge of a prohibited pollutant (non-stormwater) into the stormwater system, either directly into a drain or potentially/actually flowing into a drain
- A spill (typically liquid), either accidental or deliberate, that either may or does make it to a drain or other connection the stormwater system.

Illicit Discharge Detection and Elimination (IDDE) Reference in Western Washington Phase II Municipal Stormwater Permit: Section S5.C.5

The following sections describe permit conditions and requirements related to IDDE and activities Mill Creek plans during 2023 to meet these requirements.

6.1 Spill Response

During 2023, Mill Creek will continue to build up the staff resources to meet the full needs of a responsive and efficient IDDE program. In the past, spill response has been limited to containment and cleanup efforts by city operations and maintenance staff, with very limited capabilities for investigation, reporting, documentation, post-event monitoring, and enforcement support.

During 2023, Mill Creek will continue to ensure the city's website features information for a 24-hour, 7-day-a-week spill reporting "hotline", which will also be publicized through the city's social media, and similar venues. This will replace the phone number(s) and online Citizen Comment form, as these methods have proven unclear or obstructive in timely spill reporting and follow-up investigations. The purpose of this hotline will be to provide a single, unambiguous phone number that anyone can call to report a spill, accidental or deliberate.

From the time of that call, Mill Creek will execute a plan that coordinates field responses by city operations and maintenance and/or contracted staff with the required documentation and follow-up clean-up and post-event monitoring, if and as needed.

6.2 Anticipated Code Amendments

Mill Creek Municipal Code (MCMC) 15.14.230 prohibits discharges of polluting matter to the stormwater system, and provides for both utility cost recovery and enforcement.

However, during 2023, Mill Creek staff will write and facilitate adoption of new code amendments as needed, to expand current code language, in particular clarifying both allowable and conditional discharges. Mill Creek staff will also continue to evaluate code amendment options for escalating enforcement procedures and actions for either repeating or sustained illicit discharge activities.

6.3 Illicit Discharge Detection and Investigation

During 2023, Mill Creek will continue to comprehensively update the city IDDE Operations Manual, adapting it from the 2020 Illicit Connection and Illicit Discharge Field Screening & Source Training Manual.

This updated manual will incorporate procedures for:

- Field screening
 - Field screening is required to annually cover at least 12% of the MS4
 - Typically Mill Creek will address this through the required catch basin inspection process.
 - Field screening also includes screening for bacteria indicators associated with the North Creek TMDL requirements described in Section 11.0 (i.e. look for fungus, algae, color, rotten egg or musty smell)
- Identification of potential source(s) and source tracing methods
- Inspections on both public and for private property
- Complaints/reports and responses
- Construction inspections
- Maintenance inspections relating to pollution source control
- Source control inspections of commercial business
- Monitoring

The permit requires the following response levels of service when responding to a report of either an illicit discharge or connection:

- Immediately respond to all illicit discharges which constitute a threat to human health, welfare, or the environment
- Investigate within 7 days any potential illicit discharge
- Initiate an investigation within 21 days for any suspected illicit connection
- Use of a compliance strategy to eliminate illicit connections within 6-months

Each year, Mill Creek will continue to submit to Ecology data for the illicit discharges, spills and illicit connections addressed during the previous calendar year.

As new staff have joined Mill Creek during 2022 and continuing into 2023, Mill Creek will continue to expand IDDE training, including periodic refreshers and/or follow-up training, for city staff, who, as part of their normal job responsibilities, might come into contact with or otherwise observe an illicit discharge and/or illicit connection to the MS4. Training is based upon the updated city IDDE manual described above and include identification of an illicit discharge and/or connection, proper procedures for reporting and responding to the illicit discharge and/or connection, and use of basic spill containment materials. Training documentation will continue to be maintained. Staff training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.

During 2023, Mill Creek will continue public outreach and education efforts regarding the elimination of illicit discharge activities. This will include providing technical advice and

guidance to private operators of stormwater conveyance and facilities in Mill Creek, particularly homeowners/neighborhood associations.

7.0 CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT, AND CONSTRUCTION SITES

Requirements for municipal permittees to implement development standards relating to the control of stormwater runoff from new and existing development, redevelopment, and construction sites were introduced into previous Western Washington Phase II Municipal Stormwater Permit. Ecology has implemented additional and changed requirements in the current permit to continue the process of improving performance by permitted MS4s.

Controlling Runoff from New Development, Redevelopment, and Construction Sites Reference in Western Washington Phase II Municipal Stormwater Permit: Section S5.C.6

The following sections describe permit conditions and requirements related to Controlling Runoff from New Development, Redevelopment, and Construction Sites and the activities Mill Creek plans during 2023 to meet these requirements.

7.1 Adopted Standards

In 2022, and as featured in Mill Creek Municipal Code (MCMC) 15.14.060, the Mill Creek adopted the 2019 Ecology Stormwater Management Manual for Western Washington (SWMMWW), satisfying requirements of the current Western Washington Phase II Municipal Stormwater Permit.

In addition to the SWMMWW, Mill Creek will continue to update the City's Street and Development Standards on an annual basis (generally by February of each year). The standards can be found here: https://cityofmillcreek.com/city_government/public_works_and_development_services/street_stormwater_and_development_standards

Mill Creek will also continue to provide guidance weblinks to the applications (notice of intent or NOI) of other Ecology-issued NPDES permits that may be required for construction and/or development work in addition to city requirements and standards. Permit applications for which city guidance is provided include the Construction Stormwater General Permit and the Industrial Stormwater General Permit.

7.2 Anticipated Code Amendments

During 2023 Mill Creek staff will continue to write and facilitate the adoption of code amendments that more explicitly address control and management runoff from new and existing development, redevelopment, and construction site projects. Minimum requirements for amendments are identified in Appendix 1 of the permit, and include requirements for adjustments and variance criteria.

Code amendment efforts will include evaluating options for escalating enforcement procedures, particularly by city field inspections of construction and/or development activities, as well as actions in the event of either repeated or sustained uncontrolled stormwater runoff and/or pollution activities.

7.3 Development Reviews and Inspections

Development reviews by the Mill Creek Department of Public Works and Development Services currently incorporate reviews of stormwater runoff controls, temporary and permanent, from new and existing developments, redevelopments, and active construction sites. These reviews are implemented to verify compliance with applicable standards and guidance provided in the city-adopted edition of the SWMMWW (see Section 7.1 for more information), including implementation of appropriate temporary erosion and sediment control standards and application of best management practices (BMPs).

Department of Public Works and Development Services also inspects construction and other (re-)development sites to verify both temporary runoff control best management practices (BMPs) are implemented and maintained, and permanent stormwater controls have been constructed as approved during project permitting by Mill Creek. Inspection frequency by Mill Creek staff during construction activities is additional to all contractor inspection activities also required to implement each project's reviewed and approved Stormwater Pollution Prevention Plan (SWPPP). City inspections are conducted on a frequency determined by the type of construction/development, the proximity to receiving water(s) or other on- or off-site features sensitive to uncontrolled stormwater runoff and/or pollution, and seasonal weather events.

Field records from all inspection activities, reports of findings and identified improvements, enforcement communications, and all other records related to private facility inspection are maintained by the Mill Creek Department of Public Works and Development Services.

These efforts will continue during 2023.

Mill Creek will provide training as needed to address changes in standards, procedures, techniques, inspection requirements and documentation, and/or staffing; and maintain all training records. Staff training records to be kept include dates, activities or course descriptions, names and positions of staff in attendance, and any applicable certificates or documentation of training.

8.0 MUNICIPAL OPERATION AND MAINTENANCE

Although the Municipal Operation and Maintenance program element has been generally present in previous Western Washington Phase II Municipal Stormwater Permits, Ecology has implemented additional and changed requirements in the current permit to continue the process of improving performance of existing permittee MS4s.

Municipal Pollution Prevention, Operation, and Maintenance Reference in Western Washington Phase II Municipal Stormwater Permit: Section S5.C.7

The following section describes permit conditions and requirements related to Municipal Pollution Prevention, Operation, and Maintenance and the activities Mill Creek plans during 2023 to meet these requirements.

8.1 City Maintenance Standards and Anticipated Code Amendment

Mill Creek has adopted the latest edition (2019) of Ecology's Stormwater Management Manual for Western Washington (SWMMWW) to provide the general stormwater utility maintenance standards in use in the city, by both publicly- and privately-owned and operated systems.

By adopting the 2019 SWMMWW, operations and maintenance standards in use by the City's operations and maintenance activities, as well as by private owners of stormwater conveyance and facilities, were updated by June 30, 2022. Updates will continue to be incorporated into the public outreach and education materials supporting the current behavior change program further described in Section 3.2.

Mill Creek will continue training, on an as-needed basis, staff as appropriate for their job role(s) and responsibilities for Surface Water Utility-related maintenance activities. Staff training records to be kept include dates, activities or course descriptions, names and positions of staff in attendance, and any applicable certificates or documentation of training.

8.2 Citywide Catch Basin Inspection and Maintenance Compliance

Beginning in 2022, the City initiated inspections of its public catch basins and stormwater facilities following an initial period of inactivity during the first two years of the five-year term of the current (2019-2024) Western Washington Phase II Municipal Stormwater Permit.

With greater staff resources in 2022, augmented by contracted inspection services, Mill Creek's catch basin inspections are on track to be completed during 2023, and incorporates IDDE field screening (as described in Section 6.3) to simultaneously satisfy Mill Creek's compliance with both program elements.

During 2023, Mill Creek will be improving follow-up cleaning and/or maintenance activities, based upon the findings of catch basin inspections. In general, the current Western Washington Phase II Municipal Stormwater Permit requires these identified follow-up activities be completed within 6 months, unless permit-allowed exceptions apply.

Additionally, Mill Creek will continue all spot checks and responses to issues found in surface and stormwater conveyance structures and features owned and operated by the Surface Water Utility throughout the city MS4, particularly during and after storm events. Identification and correction of these issues are typically above and beyond the inspection and maintenance permit requirements. Mill Creek will also continue providing technical guidance to owners of private stormwater conveyance structures and features.

Finally, Mill Creek will continue on an as-needed basis to train staff appropriately for both inspection and follow-up maintenance activities. Staff training records to be kept include dates, activities or course descriptions, names and positions of staff in attendance, and any applicable certificates or documentation of training.

8.3 Citywide Stormwater Facility Inspections

During 2023, Mill Creek will continue required inspections and, as needed, maintenance and/or compliance activities. The permit requirements for inspections and related activities for municipality-owned and privately-owned facilities are different, and so are addressed separately.

During 2023, Mill Creek will continue follow-up cleaning and/or maintenance activities, based upon the findings of a facility inspection. In general, the current Western Washington Phase II Municipal Stormwater Permit requires these identified follow-up activities be completed within 1 year, unless permit-allowed exceptions apply.

Additionally, Mill Creek will continue all spot checks and responses to issues found in stormwater facilities throughout the city MS4, particularly during and after storm events. Identification and correction of these issues are typically above and beyond the inspection and maintenance permit requirements.

Finally, Mill Creek will continue on an as-needed basis to train staff appropriately for both inspection and, for facilities owned by the Mill Creek Surface Water Utility, follow-up maintenance activities. Staff training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.

8.3.1 Public Stormwater Facilities

Mill Creek inspects all stormwater facilities owned and operated by the Surface Water Utility on an annual basis and will continue this practice in 2023. Stormwater facilities are defined in the Ecology Stormwater Management Manual for Western Washington, which distinguishes facilities from stormwater conveyance structures such as pipes, catch basins, or drainage channels. Facilities include those with a water quality treatment and/or flow-control function, and all facilities are inspected (including those constructed before 2007).

Field records from all inspection activities are used to identify follow-up maintenance and/or correction activities by city operations and maintenance staff and/or contracted services.

8.3.2 Private Stormwater Facilities

Mill Creek will continue a program of inspections of privately-owned stormwater facilities in 2023. Annual inspection is only required by the current permit for privately owned stormwater facilities permitted after the issuance of the first Western Washington Phase II Municipal Stormwater Permit in 2007. However, Mill Creek public works staff have typically also provided technical advice and guidance for all private facilities when requested and staff were available, including those older than 2007.

Inspections by the city are additional to those required of private owners/operators in order to conform to the citywide maintenance standards, and are performed to verify compliance. Consequently, it remains an ongoing effort by Mill Creek to educate private operators on sustainable inspection and maintenance practices and methods, particularly for private stormwater facilities managing neighborhoods or other multi-parcel contributing areas.

Field records from all inspection activities, reports of findings and identified improvements, enforcement communications, and all other records related to private facility inspection are maintained by the Mill Creek Department of Public Works and Development Services.

8.4 Reduce Stormwater Impacts From Municipal Operations

During 2023, Mill Creek will review and update practices and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by Mill Creek, including city parks and facilities. This update will include all facets of Mill Creek operations and maintenance activities. Activities to be addressed include, but are not limited to:

- Pipe cleaning
- Cleaning of culverts that convey stormwater in open ditch/channel conveyance, or from one such open conveyance section to another
- Ditch/channel maintenance
- Street cleaning
- Road repair and resurfacing, including pavement grinding
- Snow and ice control
- Utility installation
- Pavement striping maintenance
- Maintaining roadside areas, including vegetation management
- Dust control
- Applications of fertilizers, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides using alternatives that minimize environmental impacts
- Sediment and erosion control
- Landscape maintenance and vegetation disposal
- Trash and pet waste management
- Building exterior cleaning and maintenance

Mill Creek will train staff, as appropriate for their role(s) in municipal operations and maintenance activities, in all means and methods applicable to construction, operations,

or maintenance job functions that impact stormwater quality. This training shall address, at a minimum:

- Importance of protecting water quality,
- Operation and maintenance standards, including any 2023 changes made to existing standards and practices
- Inspection procedures, when applicable
- Surface Water Pollution Prevention Plans (SWPPPs)
- Selecting, implementing, maintaining, and repairing appropriate best management practices (BMPs)
- Methods to execute job activities to prevent or minimize impacts to water quality
- Procedures for reporting water quality concerns.

Mill Creek will provide follow-up training as needed to address changes in standards, procedures, techniques, requirements, or staffing; and maintain all training records. Staff training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.

8.5 Update Stormwater Pollution Prevention Plan (SWPPP) for City Hall Equipment Area

Mill Creek does not have a formal public works yard and currently uses a portion of the City Hall South parcel for operations and maintenance vehicle parking, equipment storage, and limited material storage. As the use of this area does meet the definition for a heavy equipment/material maintenance or storage yard, a Stormwater Pollution Prevention Plan (SWPPP) has been prepared for this area with the minimum information indicated in the Stormwater Management Manual for Western Washington (SWMMWW).

During 2023, Mill Creek will continue to review and update this SWPPP to current applicable standards and with BMPs selected as indicated in the most current SWMMWW.

Mill Creek will provide city staff follow-up training as needed to address changes in SWPPP standards, procedures, techniques, monitoring or inspection requirements, and/or staffing; and maintain all training records. Staff training records to be kept include dates, activities or course descriptions, names and positions of staff in attendance, and any applicable certificates or documentation of training.

9.0 SOURCE CONTROL FOR EXISTING DEVELOPMENT

The Source Control Program is a new requirement for the current Western Washington Phase II Municipal Stormwater Permit. The program is designed to prevent and reduce pollutants in runoff from areas of existing development that discharge to the stormwater system by implementing an inspection and enforcement program. Development of the Source Control program includes the following milestones, each of which will be addressed in a separate section below:

- Municipal code amendment
- Establish the citywide inventory
- Inform all inventoried locations
- Implement and sustain the inspection program

Source Control for Existing Development Reference in Western Washington Phase II Municipal Stormwater Permit: Section S5.C.8

During 2023, Mill Creek will be actively implementing the milestones of this program, in order to deploy the full Source Control inspection program.

The following sections describe permit conditions and requirements related to Source Control for Existing Development and the activities Mill Creek plans during 2023 to meet these requirements.

9.1 Anticipated Code Amendment

Following on the 2022 adoption of the 2019 Ecology Stormwater Management Manual for Western Washington (SWMMWW), with its best management practices (BMPs) adopted as a consequence, during 2023, Mill Creek staff will continue to write and facilitate, as necessary, the adoption of a municipal code amendments requiring that best management practices (BMPs) for pollutant-generating sources be implemented and maintained for all existing development in Mill Creek. These amendments are anticipated to include provisions for progressive enforcement, including potential escalation, as required by the permit.

9.2 Establish Inventory

Ecology defined a list of activities in Appendix 8 of the current Western Washington Phase II Municipal Stormwater Permit as guidance for permittees to identify and inventory commercial, institutional, and industrial properties and their facilities that have the potential to generate pollutants to the stormwater system.

Mill Creek compiled this inventory during 2022, using a combination of local knowledge of businesses, internal business license data, and Department of Revenue business licensing data. During 2023, outreach to these businesses to provide technical assistance and education will occur through a combination of mail, electronic and in-person delivery. Outreach will be accompanied by inspection of these locations on a rolling basis, to reinforce guidance distributed previously. This effort will include non-residential locations previously identified through complaints,

spills, or illicit discharges, and these locations will be evaluated using Appendix 8 criteria from the current SWMMWW.

Once complete, the inventory will be periodically reviewed and updated based on changes in property/business operations or similar.

9.3 Inform Affected Businesses and Property Owners

During 2023, Mill Creek will reach out to all locations inventoried per Section 9.2, and inform property and business owners affected of their inclusion in the city's Source Control program. Mill Creek staff will discuss BMPs appropriate for each location's activities, as well as expectations and procedures for the inspections. Mill Creek staff will also provide technical advice and guidance to locations about potential issues, to assist locations in implementing appropriate BMPs in advance of inspections.

9.3 Implement and Sustain the Inspection Program

During 2023, Mill Creek will continue to refine procedures and protocols used in inspecting each inventoried location to verify use of operational and/or structural BMPs to prevent illicit discharges or violations of surface water, ground water, or sediment management standards. This inspection process will include identifying the need for additional staff and resources to meet program requirements.

Inspectors will be subject to training on field/observational methods, documenting inspection visits, technical characteristics of properly and improperly implemented BMPs, legal authority and enforcement procedures, and follow-up technical assistance and support to locations to achieve and maintain compliance. Staff training records to be kept include dates, activities or course descriptions, names and positions of staff in attendance, and any applicable certificates or documentation of training.

The program plan will also include protocols for maintaining program records, including site visit and inspection records, denial of entry occurrences, warning letters, notices of violation, and other records used to demonstrate efforts in bringing locations into sustainable compliance.

Mill Creek staff will continue annual inspection activities in accordance with the procedures developed. The minimum inspections needing to be completed include 20% of all inventoried locations and, particularly, 100% of locations that are identified through credible complaints.

10.0 MONITORING AND ASSESSMENT

Monitoring and assessment of regional and statewide efforts, and development of regulatory changes to the conditions and requirements of current and future Western Washington Phase II Municipal Stormwater Permit, are developed through a combination of local studies (typically by larger permittees) and regional collaborations. This requirement remains largely unchanged in the current Western Washington Phase II Municipal Stormwater Permit.

Monitoring and Assessment Reference in Western Washington Phase II Municipal Stormwater Permit: Section S8

Mill Creek opts into the Stormwater Action Monitoring (SAM) group, a Washington regional stormwater management program that undertakes stormwater management-oriented studies determined by agreement among the contributing members. Mill Creek supports the work of SAM through annual fees and participation in program meetings and webinars.

The specific fee categories Mill Creek contributes to include:

- Status and Trends Monitoring
- Stormwater Program Effectiveness
- Source Identification and Diagnostic Monitoring

Mill Creek will continue participation with SAM during 2023.

11.0 COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS

Compliance With Total Maximum Daily Load (TMDL) Reference in Western Washington Phase II Municipal Stormwater Permit: Appendix 2

The following sections describe permit conditions and requirements related to compliance with the existing requirements for Mill Creek participation in the North Creek TMDL monitoring program and the planned activities during 2023 to meet these requirements. The North Creek TMDL monitoring program has a particular pollutant focus on fecal coliform bacteria.

11.1 Business Inspections

During 2023, Mill Creek staff will resume inspecting commercial animal handling areas (veterinary and pet care/boarding services, animal slaughtering, and support activities for animal production) and commercial composting facilities located within the city to verify each business is implementing necessary pollution source control best management practices (BMPs). These business inspections supplement those performed for the more general Source Control permit element described in Section 9.0.

Although no businesses have been identified to date requiring this, in the event Mill Creek staff identify a facility with conditions contributing to bacteria source control problems, city staff will initiate a re-inspection policy with that facility with a minimum re-inspection every three years.

11.2 Receiving Water Monitoring

During 2023, Mill Creek will continue performing monthly sampling and testing of each of the natural receiving water tributaries with a confluence in North Creek within Mill Creek city limits. The sampled receiving waters include:

- Mill Creek
- Penny Creek (two locations)
- Nickel Creek
- North Creek

Samples are presently tested for fecal coliform concentrations. Ambient water temperature and pH are measured when each sample is collected. Data is supplied to the Ecology Environmental Information Management (EIM) database on at least an annual basis. The deadline for the next data submittal is May 31, 2023.

11.2.1 Mill Creek Targeted Source Identification

After a review of previous sampling data through 2020, Mill Creek staff increased the number of sample locations along Mill Creek from one to five, beginning in January 2021. As Mill Creek monthly testing results have continued to demonstrate occasional large “spikes” in fecal coliform bacteria, the selection of this creek for additional testing supports efforts at pollution source tracing and identification, consistent with the goals of

the Total Maximum Daily Load (TMDL) plan for North Creek, the receiving water for Mill Creek flows.

During 2023, The City of Mill Creek will use additional information to identify and narrow down more specific reaches (sections) of Mill Creek that appear to contribute anomalously high concentrations of fecal coliform bacteria, particularly during the summer months. Once source area(s) are identified and further tracing can be done to identify pollution source(s), Mill Creek staff will work with any affected property owners to eliminate the source(s) of bacterial loading.

Source identification and elimination efforts are submitted annually to Ecology, along with the annual report.

12.0 REPORTING

The current Western Washington Phase II Municipal Stormwater Permit maintains the requirement of an annual report to Ecology, which is submitted by March 31 of each year. This annual report conforms to an Ecology-developed format of standard questions and requests for information associated with each of the stormwater permit elements described previously. This includes provisions for attaching additional documentation, when required to meet specific permit conditions requiring submittal with the annual report.

Reporting also includes notifying Ecology of any annexations, incorporations, or similar jurisdictional boundary changes.

Records related to an NPDES permit issued by Ecology, including annual reports and SWMPs, are to be retained for a minimum of five (5) years. In practice, Mill Creek maintains these records for a longer period to conform with Washington State public records retention policies.

Reporting Reference in Western Washington Phase II Municipal Stormwater Permit: Section S9

Mill Creek will continue to comply with the Reporting requirements, including submittal of the annual report by March 31, 2023