

Kitsap Title 12 Source Control Planning Commission Comment Matrix

Comment No.	Author	Question/Comment	County response	Edit
Planning Commission work study meeting held on 3/15/22 5:30 pm				
1	Planning Commission	Will older buildings like the old Grocery Outlet Silverdale location be required to restructure or retrofit SW managment systems to bring them completely up to code with this proposal?	Kitsap County notes that this ordinance’s related BMPs include practices such as vehicle washing, control of leaching chemicals, etc., not catch basins and piping. Most businesses will achieve compliance with this ordinance through operational BMPs like sweeping or proper chemical storage. Retrofits or structural BMPs would only be required if a business has refused to implement or failed to provide control with operational BMPs.	No change
2	Planning Commission	Are there definitions, examples of pollution generating businesses? Planning Commission suggests this information will be of high interest to the public, should be included at the front of presentation	Kitsap County lists examples including mobile businesses, auto repair, restaurants, gas stations, grocery stores, fleet rentals, dry cleaners, rock quarries; notes this ordinance does not apply to infrastructure, only BMPs, such as actions or measures taken by employees to prevent pollution entering stormwater system. The full list of business types can be found in Appendix 8 of the 2019-2024 NPDES Western Washington Phase II Municipal Stormwater Permit. Pollution generating business = Business that, during typical daily activities, generates pollutants which have the potential to be released to the environment. Examples include: Mobile businesses, auto repair, restaurants, gas stations, grocery, fleet rentals, dry cleaners, rock quarries.	No change
3	Planning Commission	What are the impacts of not adopting Department of Ecology changes?	Choosing not to comply with Department of Ecology requirements could generate a fine of \$20,000 per day for each day Kitsap County is out of compliance.	No change
4	Planning Commission	The language as written states that it applies to all existing land uses and business activities; can Kitsap County confirm that this will not require retrofitting? What will an inspection look like, for example, for customer parking which is one of the listed land uses or activities?	There are different kinds of BMPs. Operational BMPs could include sweeping, a structural BMP could be an oil/water separator, a treatment BMP could be a retention pond. Kitsap County will follow the BMPs as required/specified by Ecology, such as required quarterly sweeping for customer parking lots, as one example. For the specific example in the question, operational BMPs for customer parking areas include: Washwater must be discharged to sanitary sewer, quarterly vacuum sweep parking lots to prevent dirt and debris from discharging to stormwater system, clean up spills immediately, and use drips pans below leaking vehicles.	Modified proposed ordinance language by eliminating specific examples of activities (which caused confusion). Kitsap County agrees with the Planning Commission comments and is suggesting the following proposed changes for consieration: Original draft: All existing land uses and activities that generate pollution and discharge to the County stormwater system must implement operational source control BMPs in order to prevent or reduce pollutants in runoff. Should operational source control BMPs fail to prevent illicit discharges or allow violations of surface or groundwater or of sediment management standards, structural source control BMPs or treatment BMPs shall be implemented. Examples of land uses or activities that generate pollution include, but are not limited to: industrial and commercial activities, vehicle washing, dumpster and fats, oils, and grease storage areas, customer parking, vehicle maintenance areas and the storage of erodible or leachable material, wastes or chemicals. Proposed language updated to: All existing land uses and activities, as defined in Appendix 8 of the 2019-2024 Western Washington Phase II Municipal Stormwater Permit, that generate pollution and discharge to the County stormwater system must implement applicable operational source control BMPs as specified in the Ecology Manual in order to prevent pollutants from entering the County’s stormwater drainage system. Should applicable operational source control BMPs fail to prevent illicit discharges or allow violations of surface or groundwater or of sediment management standards, applicable structural source control BMPs or treatment BMPs shall be implemented. Examples of land uses or activities that generate pollution include, but are not limited to: industrial and commercial activities, vehicle washing, dumpster and fats, oils, and grease storage areas, customer parking, vehicle maintenance areas and the storage of erodible or leachable material, wastes or chemicals. In cases where the manual(s) lack guidance for a specific source of pollutants, the County shall work with the owner/operator to implement or adapt BMPs based on the best professional judgement of the County.

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5	Planning Commission	Is there a County program in place to ensure catch basins are emptied, and pumping is required to be sure piping is clear? Would this be an example of a BMP and subject to inspection?	The information described is a BMP, but is a storm system maintenance BMP, which is different from those addressed in this ordinance. Kitsap County already has a commercial inspection program in place to address those. Catch basins, swales, ditches, ponds, and vaults are all inspected once per year by stormwater inspectors to see if they need cleaned or maintained.	No change
6	Planning Commission	Does this ordinance not focus on acts like pumping out the catch basin or removing the gravel? If there was refuse flowing into the catch basin, would that be the kind of action that would require a BMP to ensure pollution does not enter the SW system?	The information described is a BMP, but is a storm system maintenance BMP, which is different from those addressed in this ordinance. Kitsap County already has a commercial inspection program in place to address those. Catch basins, swales, ditches, ponds, and vaults are all inspected once per year by stormwater inspectors to see if they need cleaned or maintained.	No change
7	Planning Commission	Installation of an oil/water separator could help prevent pollution, but it's not specifically required; Should there be language in the statute stating action, such as installing an oil/water separator, that is not required if the business doesn't already have one?	If the operational source control BMPs are failing, it would indicate that the business is failing to prevent illicit discharges of pollution into the SW system. If operational BMPs do not correct the issue, then structural BMPs (such as an oil/water separator) may be required. This progressive process is spelled out in the proposed ordinance.	No change
8	Planning Commission	Planning Commission asks about operational BMPs for sweeping customer parking.	Kitsap County clarifies that sweeping of parking areas is required on a quarterly basis. Operational BMPs for customer parking areas: Washwater must be discharged to sanitary sewer, vacuum sweep parking lots regularly to prevent dirt and debris from discharging to stormwater system, clean up spills immediately, and use drips pans below leaking vehicles.	No change
9	Planning Commission	Is this ordinance only in relation to operational issues, not with existing SW systems, except to the extent there are operational aspects to existing infrastructure?	The language does include a reference that if operational source control BMPs fail to prevent illicit discharge, structural or treatment BMPs shall be implemented.	No change
10	Planning Commission	If the operational Source Control BMPs are failing, will the business be required to take additional action to implement structural or treatment BMPs, which could include retrofitting? Planning Commission notes the business community, especially those with older buildings, will want to hear and see clarification on this.	If a business or property owner has refused to implement or failed to provide control with operational BMPs, structural BMPs will be required.	No change
11	Planning Commission	Is the preliminary draft language presented first to the PC and that notice will be sent to Chamber of Commerce, business groups, stakeholders in coming weeks?	Kitsap County is holding an open house on April 26th, and has reached out to the following groups: Chambers of Commerce (South Kitsap, Silverdale, Greater Kingston), Kitsap Economic Development Alliance, Community Advisory Councils (Kingston, Manchester, Central Kitsap (May 4th), Suquamish (May 5th)), Suquamish Tribes, Port Gamble S'klallam Tribe, Point No Point Treaty Council, Kitsap Builders Association (May 5th). Ordinance public information website: https://www.kitsapgov.com/pw/Pages/BMPOrdinance.aspx	No change

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12	Planning Commission	How is the overall County and unincorporated areas' approach, and actions, will work in concert with Cities?	Cities are required to adopt their own programs, including a regulatory mechanism like an ordinance, and demonstrate how they will meet NPDES Permit Source Control requirements, inventory and inspections. Regional jurisdictions are participating in a process to coordinate and share information.	No change
13	Planning Commission	If there is a business with multiple locations would enforcement and application of the ordinance and plan be applied and enforced according to location of the business?	Other jurisdictions also operate under the same NPDES Permit from the Department of Ecology and must also meet the same rules and requirements under the SWMMWW. So, if one business was located in unincorporated Kitsap County, Kitsap County would be the enforcement agency. If the other location of that business was located in City of Bremerton, City of Bremerton would be the enforcement agency.	No change
14	Planning Commission	For the Auto Repair example slide - is it correct that a BMP requiring shop floor drains be connected to sewer or sump, and also a BMP that requires no pouring pollutants or wash water into storm drains?	Shop drains must be connected to the sewer, and usually also have an oil/water separator installed; wash water or pollutants must go into the sewer, which is designed to handle those items, as opposed to the storm system which flows directly out into the surface waters, untreated.	No change

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Questions/Comments received via email 4/11/22 from Planning Commission members				
15	Planning Commission	Besides the existing information on the County PW website will there be more assistance available from PW? With a \$20,000/day (\$7.3 million/year) penalty possible outreach and education is needed.	<p>Kitsap County held an Open House for the general public on April 26th via Zoom, and reached out to the following groups: Chambers of Commerce (South Kitsap, Silverdale, Greater Kingston), Kitsap Economic Development Alliance, Community Advisory Councils (Kingston, Manchester, Central Kitsap (Presented May 4th), Suquamish (Presented May 5th)), Suquamish Tribes, Port Gamble Skallam Tribe, Point no Point Treaty Council, Kitsap Builders Association (Presented May 5th). Businesses received postcard notifications prior to the meeting between April 18th - 29th.</p> <p>Ordinance public information website: https://www.kitsapgov.com/pw/Pages/BMPOrdinance.aspx</p> <p>The new program includes a significant investment in technical assistance and education to businesses to assist them in reaching compliance. The County would be out of compliance with the Permit if we do not adopt the proposed ordinance to code by August 1, 2019, and would be penalized if we wilfully chose not to implement the terms of the Permit.</p>	No change
16	Planning Commission	The 2019 SWMMWW focused on Volume IV. Is it currently enforceable? What specific Codes need modification?	<p>The new proposed ordinance will make Volume 4 of the SWMMWW enforceable. If operational source control BMPs are not effective at preventing pollution, then structural or treatment source control BMPs will be required.</p> <p>The code will be added to title 12.20.030.</p> <p>(https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/Content/Resources/DocsForDownload/2019SWMMWW.pdf)</p>	No change
17	Planning Commission	How will the Department of Ecology determine if the County is not in compliance?	Kitsap County submits annual reports to the Department of Ecology to demonstrate our compliance with permit requirements, and submits to periodic audits by that regulatory agency.	No change
18	Planning Commission	Will PW determine which problems are priority and develop a 'plan' to focus on the most critical issues/problems first?	Kitsap County is in the initial stages of creating a Source Control Program Plan. The Stormwater Center and Stormwater Action Monitoring (SAM) group are providing all the jurisdictions going through this program adoption resources on program implementation. Kitsap County will determine priority areas based on these resources.	No change
19	Planning Commission	There is a reporting requirement in the Manual. Will this be online or hard copy?	Reporting for this new program will be part of the County's NPDES Permit Annual Report. Annual reports are available on the County's website: https://www.kitsapgov.com/pw/Pages/stormwater.aspx .	No change

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20	Planning Commission	Much of the development, including customer parking in areas like Silverdale was completed under a much different stormwater regime, and the stormwater management standards were very different than the standards under the 2019 Stormwater Manual ("SWM"). These older parking lot systems simply were not designed to meet the "minimum requirements" set forth in Volume One of the current SWM. The proposed ordinance, however, requires customer parking to meet undefined "standards" OR implement "structural source control BMPs or treatment BMPs." These are defined terms in the SWM glossary and include requirements for constructing bioswales, wetlands and wetponds, and installation of new oil/water separators.	<p>The required operational BMP for parking areas is to make sure the area is swept and kept clean of debris and spills, which most businesses currently comply with.</p> <p>Required operational BMPs listed in the SWMMWW, page 518:</p> <p>If parking area is washed, washwater must be discharged to sanitary sewer system and not to storm system</p> <p>Vacuum sweep parking lots quarterly, storage areas, and driveways regularly to collect dirt, waste and debris. Mechanical or hand sweeping may be necessary where vacuum sweeper cannot reach.</p> <p>Clean up vehicle and equipment spills immediately</p> <p>Place drips pans below leaking vehicles.</p> <p>(https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/Content/Resources/DocsForDownload/2019SWMMWW.pdf)</p>	No change
21	Planning Commission	What stormwater management standards (particularly as to water quality) must be met by vested parking lot stormwater systems (for example, a parking lot built during the 1960s or 1970s)?	<p>The required operational BMP for parking areas is to make sure the area is swept and kept clean of debris and spills, which most businesses currently comply with.</p> <p>Required operational BMPs listed in the SWMMWW, page 518:</p> <p>If parking area is washed, washwater must be discharged to sanitary sewer system and not to storm system</p> <p>Vacuum sweep parking lots quarterly, storage areas, and driveways regularly to collect dirt, waste and debris. Mechanical or hand sweeping may be necessary where vacuum sweeper cannot reach.</p> <p>Clean up vehicle and equipment spills immediately</p> <p>Place drips pans below leaking vehicles.</p> <p>(https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/Content/Resources/DocsForDownload/2019SWMMWW.pdf)</p>	No change
22	Planning Commission	Where does a business (or property owner) find these standards?	<p>All source control BMPs are found in the SWMMWW in Volume 4, beginning on page 493</p> <p>(https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/Content/Resources/DocsForDownload/2019SWMMWW.pdf).</p>	No change
23	Planning Commission	Is it a correct interpretation of the proposed ordinance that, even if a business fully implemented operational BMPs as set forth in the SWM, a violation of these standards would result in the parking lot having to be reconstructed with structural source control or treatment BMPs?	<p>Kitsap County will work with the business as much as possible, providing technical assistance. If a business is unable to keep oil discharges from entering the stormwater system, a structural source control BMP device may need to be installed (such as an oil-water separator). If structural BMPs are not effective at controlling pollution, then treatment source control BMPs will be required.</p>	No change

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24	Planning Commission	If a parking lot does have to be reconstructed to add, for example, biofiltration systems, has the County considered the consequential impacts of this requirement including cost of reconstruction and violations of zoning requirements, for example, due to reduction of available parking to serve the existing square footage of the improvements?	Applicable operational source control BMPs are required for all pollutant generating sources. The Phase II Stormwater Permit for Western Washington (Permit) prohibits the discharge of any pollutants, violations of surface water, ground water or sediment management standards because of inadequate stormwater controls. Kitsap County is required to enforce these standards in accordance with the Permit. Kitsap County does not expect an undue burden of cost or reduction in parking in order to implement this rule and protect human health and the environment.	No change
25	Planning Commission	The customer parking BMPs come in three "flavors" -- applicable, recommended and applicable treatment. Does the ordinance require a business to implement all three "flavors"? For example, does a business have to show it is offering discounts to customers who take the bus or adopt an employee carpool incentive program to meet the requirements of the ordinance?	Applicable operational source control BMPs will be required with the new ordinance, with structural and treatment source control BMPs only being required if operational ones are not effective.	No change
26	Planning Commission	Kitsap County indicated that it has identified 737 businesses with "pollution potential." Almost every business has customer parking, so I assume that the 737 number constitutes almost every business in unincorporated Kitsap County. There is no "typical" arrangement for parking lot responsibility in unincorporated commercial areas like Silverdale. Most businesses lease space from an absentee landlord. Parking lot spaces may be assigned to a tenant or, more commonly, the parking is common area available to all businesses leasing space in a center. The leases can place responsibility for parking lot maintenance on the tenant, leave this responsibility to the landlord, or provide a panoply of other arrangements. The "applicable" BMPs for parking lots in the SWM require activities such as the hiring of a parking lot vacuum sweeper to clean parking lots, immediate clean-up of vehicle spills, and placing "drip pans" under leaking vehicles (expressly under employees' vehicles but presumably under customers' vehicles as well). Requiring businesses to implement BMPs to (a) vacuum a parking lot for which it has no lease obligation, and (b) monitor common area parking to clean up spills and/or put drip pans under vehicles that may or may not be driven by their customers seems onerous. On the other hand, requiring an absentee landlord of a small strip mall to hire someone to perform these tasks could cause serious economic hardship for landlords with long-term leases that cannot be changed to reflect a new obligation. Is PW going to be reviewing leases to see who is contractually responsible for implementing these BMPs for customer parking? Will PW be meeting with landlords as well as businesses to address the requirements of the new ordinance? Who will receive the infraction if there is a violation of water quality standards - the tenant, the landlord, both?	<p>The list of 737 businesses was narrowed down from a total of 7,000 businesses in Kitsap County, about 3,000 in unincorporated Kitsap, then filtered by pollution generating activities and whether the properties are connected to or would impact the County stormwater system. All of the 737 businesses' parking areas will be required to implement operational BMPs: sweeping, cleaning spills, using drip pans for leaking vehicles, and diverting all wash water to sanitary sewer.</p> <p>The County will work with individual businesses to make sure that certain operational BMPs are followed (i.e. having a spill kit on hand, labeling and storing chemicals properly, etc) but any violations or citations are the responsibility of the property owner. The business and the property owner will have to work together to resolve the problem.</p> <p>Kitsap County does not review leases.</p> <p>Kitsap County direct mailed (postcards) about the new ordinance to all businesses in the pollutant generating business list (the 737 identified) and held a public Open House on April 26th.</p>	No change
<p>Questions/Comments received via email 4/18/22 from Planning Commission member</p>				

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27	Planning Commission	How is storm water runoff analyzed? How will any change in pollution level be measured?	Kitsap County maintains and operates a robust program to prevent, identify and correct illicit discharges into the MS4. All known municipal stormwater outfalls have been screened for potential pollution sources, and the County regularly screens over half of the storm system (MS4) annually, well beyond the 12% required by Permit. Many stormwater sampling and analysis efforts are carried out via the Clean Water Kitsap partnership between Kitsap County Public Works and the Kitsap Public Health District. Staff perform targeted outfall screening for pollution in priority watersheds as determined by the Kitsap County Stormwater Comprehensive Plan. Staff follow up on screenings through field investigations and interaction with residents and business owners. Kitsap County pays into the Washington State Department of Ecology collective fund for Status and Trends Monitoring and for Effectiveness Studies. In addition to paying into the collective fund, Kitsap County also participates in the Stormwater Work Group and Source Identification subgroup. The group's work directs the Stormwater Action Monitoring (SAM) program implementation and other stormwater-related monitoring and assessment. Check out the website and video for more info (https://ecology.wa.gov/Regulations-Permits/Reporting-requirements/Stormwater-monitoring/Stormwater-Action-Monitoring/SAM-status-and-trends).	No change
28	Planning Commission	Small businesses have been hard hit over the last several years for many reasons, from COVID to increased taxes. What happens if businesses continue to not comply after fines are assessed?	The infraction is issued to the property owner. Refer to 12.32 Enforcement Chapter of Kitsap County Code.	No change
29	Planning Commission	Planning Commissioner posed an example: As a business operator in Los Angeles I dealt with a program like this that also started out with occasional monitoring, the county did not see enough change/people were not complying so they began requiring special filter covers that cost about \$1000 each for all storm water drains that had to be maintained by the business owner with annual inspections. This still did not work so the county then required certain approved vendors to clean the drains twice a year at about \$500 a visit in addition to the annual inspection. This adds yet another operational cost for small businesses. I just share my experience as an example of how this has gone in other municipalities. Do you think a progression like this would be likely here in Kitsap County?	Kitsap County believes that most businesses already have the required operational source control BMPs in place, so a progression like the proposed example is unlikely.	No change
30	Planning Commission	Where in the budget will the money come from to pay for the inspectors and other overhead issues?	The Stormwater Enterprise fund receives its revenues from user fees billed under the authority of Chapters 12.36 and 12.40 of the Kitsap County Code (KCC) and Chapter 36.89 of the Revised Code of Washington (RCW). The utility rate structure (Chapter 12.40 KCC) was adopted in 1994 and amended in 1995, 2004, 2006, 2012 and 2017.	No change
31	Planning Commission	Planning Commission know this is a new requirement from the state, but what would the consequence be if Kitsap County did not implement the program?	Kitsap County confirms that wilfully choosing not to comply with the mandatory regulatory requirements of the NPDES permit will generate a fine of \$20,000 per day for each day Kitsap County is out of compliance.	No change
Planning Commission work study meeting held on 4/19/22 5:30 pm				
32	Planning Commission	Will older parking lots be subject to the same standards as new ones?	Yes. Older parking lots will not be able to illicitly discharge pollutants in the same way that newer parking areas cannot.	No change

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33	Planning Commission	What is the water quality standard that must be met? How will businesses know if/when they have violated the water quality standards?	Anything other than rainwater entering the stormwater system is considered an illicit discharge, and would be in violation of the illicit discharge code (12.30.020).	No change
34	Planning Commission	Are property owners being notified as well as the business owners? e.g. if you send a notice to a local business and they are leasing the property, how will the property owner be notified?	The direct mailing for the initial outreach (postcard) was sent to the Department of Revenue's mailing address that the business has listed.	No change
35	Planning Commission	Suggests targeted outreach for business types (brochures, etc.) with simplified language	Kitsap County will create specific educational brochures for each business type that will be provided during inspections. Kitsap County is also planning on creating materials in several different languages.	No change
36	Planning Commission	Are the 737 businesses that was mentioned during the presentation all of the businesses in unincorporated Kitsap County as a whole?	No, there are over 7,000 businesses (about 3,000 in unincorporated areas) in Kitsap County as a whole. The businesses were narrowed down by the criteria that the Permit requires us to address (Appendix 8 of the NPDES Permit). The list was filtered by property use (commercial or industrial), the business's NAICS code listing per the Department of Revenue, and whether the business could impact the County stormwater system by proximity. Applying these criteria narrowed the list down to 737.	No change
37	Planning Commission	How much will it cost over all to implement this program?	The Stormwater Enterprise fund receives its revenues from user fees billed under the authority of Chapters 12.36 and 12.40 of the Kitsap County Code (KCC) and Chapter 36.89 of the Revised Code of Washington (RCW). The utility rate structure (Chapter 12.40 KCC) was adopted in 1994 and amended in 1995, 2004, 2006, 2012 and 2017. Kitsap County tracks the implementation of NPDES program elements, including costs. The total cost of program implementation is not yet known.	No change
DCD Dept Advisory Group (DAG) presentation held on 4/26/22 7:30 am				
38	DAG Member	There is already a program out there for this. How will Kitsap County coordinate with this program?	Kitsap County Public Health District's PPA (Pollution Prevention Assistance or PPA) program has similar but different requirements - the PPA program is education- and technical assistance-based with no enforcement capabilities. Kitsap County Public Works' source control program will also be education and outreach- based but includes enforcement capabilities. We are in the initial stages of determining how to coordinate these inspection programs to prevent the businesses from becoming overwhelmed with visits, including coordinating with our own commercial inspection program.	No change
39	DAG Member	Was the Kingston CAC notified of a presentation opportunity?	Yes. The coordinator for the Kingston CAC received email notification on 3/29/22	No change
40	DAG Member	What is the appeals process for a Notice of Violation or an Infraction?	It will be the same as a the appeals process for Title 12.36.110 (Appeals) pertaining to a Notice of Violation.	No change
41	DAG Member	How many businesses will be inspected per year? Is this an annual inspection?	PW is required to inspect 20% of the total number (about 700) of pollutant-generating businesses. This will come out to about 140 per year, which includes follow-ups.	No change
42	DAG Member	Will you need additional staff for this new requirement?	At this early stage in the process, Kitsap County is unsure if we will need to hire additional staff. We are hoping to coordinate these inspections with our Commercial inspection program and the Health District's PPA program, but remain open to hiring additional staff if necessary.	No change

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Public Open House held on 4/26/22 6:00 pm				
43	Public citizen	Congratulations to Kitsap County for doing such a good job maintaining their stormwater facilities.	Thank you for your comment	No change
44	Public citizen	Concerned that small businesses without a license (operating out of their homes) seem to ignore stormwater regulations. Is there going to be any inspections for these/how would they be inspected? If a citizen was concerned that a neighbor is dumping chemicals into a storm drain, would you inspect then?	Home-based businesses will only be inspected on a complaint basis. Source Control BMPs can be enforced on situations where there are improper operation source control BMPs. The public is encouraged to report any issues, concerns or complaints to Kitsap 1, regardless of location, and the appropriate agency will investigate.	No change
45	Health District	This program seems to completely overlap with the Health District Pollution Prevention and Assistance (PPA) Program. If this ordinance passes, should Solid and Hazardous Waste of KPHD reach out to KC Stormwater to coordinate site visits?	The programs are similar; however, the PPA program is directed towards Small Quantity generators. There is no enforcement capability in the PPA program. It is completely voluntary assistance. We are working with KPHD to coordinate inspection to lessen the load of inspections on businesses.	No change
Comments from online submittal form submitted between 4/23/22 to present (5/2/22)				
46	Public Citizen on 4/23/22	As a retired NOAA scientist, I was part of a team that demonstrated the toxic effects (e.g., liver cancer) of surface water runoff (SWR) on marine flatfish. We demonstrated with epidemiological and laboratory studies that these effects are caused by combustion products of petroleum hydrocarbons, many of which are carcinogenic. Controlling SWR is critical to the health of marine ecosystems.	Thank you for your comment	No change
47	Public Citizen on 4/25/22	Why are we passing this ordinance? How about Kitsap county stops the biggest point pollution which is its own storm drains? How about we insist the sewer plants stop having accidents and allieing overflows into the sound year in and year out? Stop thinking of ways to avoid doing the work that needs to be done? Its roads and runoff drsinage from tires that are killing the smolts. Why pass more regulations on the little businesses?	This ordinance is a requirement of the 2019 Phase II Municipal Stormwater Permit issued by the Washington State Department of Ecology.	No change
Comments received via email from Planning Commission Office on 5/3/22				
48	Planning Commission	The Suquamish scientists have determined that a major factor effecting salmon viability is road run off carrying oxidized tire particles; specifically a chemical called 6PPD. That would indicate that a major polluter in the County would be road run off. What actions vis a vis this ordinance will the County Public Works as a polluter be taking to eliminate the tire particles from reaching the streams?	Kitsap County-owned facilities that are covered under the specific pollutant generating business types (as described in Appendix 8 of the NPDES Permit) will be covered by the proposed ordinance and be required to apply applicable BMPs. The County is aware of the newly discovered compound from tire particles that contributes to coho pre-spawn mortality, 6PPD-quinone, which was brought to public attention after its isolation from road runoff in December, 2020. We are closely following the resultant research on how to identify the compound, what the scope of the problem is, how it reacts in the environment, and what BMPs will be most effective in addressing the issue. At this time, that research is still ongoing and inconclusive.	No change
49	Planning Commission	What is the projected cost to the County to implement operational source controls to the roads? This should be included in the Ordinance cover sheet being presented to the Board of Commissioners.	This ordinance is only applicable to specific businesses that generate pollution, as described in Appendix 8 of the NPDES Permit. Roads themselves are not a PGS-business type covered under this ordinance.	No change

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Planning Commission public hearing held on 5/3/22 5:30 pm				
50	Public citizen	What happens if a business decides not to comply with this ordinance?	Education and technical assistance is the first step in trying to bring a business into compliance. If the business does not respond well to that after several attempts, then progressive enforcement will be used, starting with a warning letter, notice of violation, and then issuance of infraction. The enforcement will be used as a last resort, with education and technical assistance the primary means of compliance.	No change
51	Public citizen	Who decides the County is the professional resource/authority for on this issue?	The current Phase II Municipal Stormwater Permit was issued to Kitsap County in 2019. This permit is specific to the Stormwater Division, in which Stormwater staff will be the authority to implement this ordinance and program requirement.	No change
52	Public citizen	Board of County Commissioners were not aware of this program. (cited a KBA mtg with Commissioner earlier in which comment indicated that they were not aware at all of the program)	The Board of County Commissioners was briefed on the topic on February 2, 2022. The Planning Commission was briefed on the topic on April 19th, 2022, and a meeting with the Kitsap Builder's Association was held on May 5th, 2022.	No change
53	Public citizen	Opposed to the ordinance in principle	Thank you for your comment	No change
54	Public citizen	According to PC schedule adoption was not supposed to happen for another month	The ordinance is set to be adopted to code in July. The deadline for the County to adopt this ordinance is August 1, 2022 as set by the Department of Ecology Western Washington Phase II Municipal Stormwater Permit.	No change
Central Kitsap Community Advisory Council 5/4/22				
55	Public citizen	Is it the property owners responsibility to maintain their own storm system? Is there a program that checks this cleaning for compliance?	Yes, it is the property owners responsibility to maintain and make sure their storm system is properly cleaned and maintained. The County operates a Commercial Business Inspection program to provide education, technical assistance and compliance.	No change
56	Public citizen	Are roads covered under this program? What about the Illahee dock project?	Roads are not covered under this ordinance.	No change
57	Public citizen	What about parking lots? Are we going to be asking people to clean up oil drips as part of this ordinance? What are businesses supposed to do about oily spots in their large parking lot?	Businesses will be required to have a spill kit on hand, and if a spill occurs, then the business will need to clean it up. Small everyday type drips on parking lots are not going to be required to clean up.	No change
58	Public citizen	What does the residential complaint/enforcement process look like? Not personal homes (regular residences)?	Residential homes will not be affected under this ordinance unless they are operating a home-based business. Home-based businesses that are creating pollutants that impact stormwater will be inspected on a complaint basis only.	No change
Kitsap Builder's Association 5/5/22				

Kitsap Title 12 Source Control Planning Commission Comment Matrix

Comment No.	Author	Question/Comment	County response	Edit
59	KBA Member	Have you reached out to the 700 businesses?	The County provided a direct mailing (postcards) to the businesses on the current list, created a website, sent out social media posts (Facebook, Instagram, Twitter, NextDoor) and provided notifications through GovDelivery. Kitsap County held an Open House on April 26th via Zoom. We also contacted the following groups: Chambers of Commerce (South Kitsap, Silverdale, Greater Kingston), Kitsap Economic Development Alliance, Community Advisory Councils (Kingston, Manchester, Central Kitsap (Presented May 4th), Suquamish (Presented May 5th)), Suquamish Tribes, Port Gamble S'klallam Tribe, Point No Point Treaty Council, Kitsap Builders Association (presented May 5th).	No change
60	KBA Member	If a business didn't get a postcard, does that mean that they are exempt from the ordinance?	No, it does not. All pollutant generating businesses as referenced in the Western Washington Phase II Municipal Stormwater Permit will be subject to the ordinance.	No change
61	KBA Member	After you sent out the postcards, how many ppl showed up at the open house and how many ppl reached out?	30 people registered for the Open House. Additional response: 31 people registered for the Open House, 16 people attended.	No change
62	KBA Member	How do I know if I'm on the list or not?	Businesses can check their NAICS (North American Industry Classification System) code for their business against the list of pollutant generating business types in Appendix 8 of the Western Washington Phase II Municipal Stormwater Permit. The same businesses that the Health District visits for their Pollution Prevention and Assistance Program are the same ones on our list.	No change
63	KBA Member	Is this the same as the industrial permit?	No. This program does not issue a permit. This program would run in conjunction with the Industrial Stormwater Permit issued by the Department of Ecology.	No change
64	KBA Member	Where does the funding come from for this? Do you anticipate the fees going up as a result of this program?	As a Permit-required element that requires compliance, this program will be funded by stormwater fees similar to other Stormwater programs. We do not expect the fees to go up from this program alone.	No change
65	KBA Member	Is there a place online where it lists all the businesses that will be applicable to this. Can the county post a list of all the businesses that they will be inspecting?	There is no list currently posted. There could be legal, privacy and logistical considerations that we would have to consider prior to taking this action.	No change
66	KBA Member	How are the Source Control inspections different from the commercial inspections?	Source control inspections look at Operational BMPs, where the Commercial Stormwater inspections look at the structural integrity and functionality of stormwater catch basins, ponds, treatment vaults, pipes, hydrodynamic separator units, and treatments systems like rain gardens and bioretention filter systems.	No change
67	KBA Member	Could enforcement cause a hardship on a business like paving that they can't afford?	If operational BMPs are not implemented and preventing illicit stormwater discharges, then structural BMPs such as paving may be required. We would expect this to be a very rare occurrence. The County plans on working diligently with the business to bring them into compliance before choosing to take further enforcement steps.	No change
68	KBA Member	Will there be jurisdictional coordination?	Yes. There currently is a group of local jurisdictions whose purpose is to coordinate efforts and outreach materials.	No change
69	KBA Member	Do we have any Permit wiggle room/as a County, do we get to provide input on how we're regulated?	The County is permitted by Department of Ecology's Western Washington Phase II Municipal Stormwater Permit. We provided comments during the open comment period of the Permit re-issuance, but once the Permit is finalized, we are held to those minimum performance measures.	No change

Kitsap Title 12 Source Control Planning Commission Comment Matrix

<u>Comment No.</u>	<u>Author</u>	<u>Question/Comment</u>	<u>County response</u>	<u>Edit</u>
70	KBA Member	Concern that environmental groups/3rd parties will get hold of this regulation and use it to broaden the impact.	This is a valid concern. Kitsap County does not foresee this becoming an issue.	No change
71	KBA Member	In the presentation, biofiltration was used as a treatment BMP. The Stormwater Design Manual does not allow biofiltration, only bioretention.	Comment noted.	No change
Suquamish Community Advisory Council 5/5/22				
72	Public citizen	Can you or have you worked with the Suquamish Fire Department on their washing practices?	Yes, we have worked with them on washing at a location that does not impact stormwater.	No change
Social Media Comments Re: Open House posting to Date (5/9/22)				
73	Public citizen - Facebook	Will it (ordinance) apply equally to government?	Yes. County facilities will be included in the inspection list, and will be held to same requirements for operational source control BMP implementation as anyone else.	No change
74	Public citizen - Facebook	Will this stop shipyards from dumping raw sewage?	Puget Sound Naval Shipyard is located within City of Bremerton limits. Navy locations are covered by other permits.	No change
75	Public citizen - Facebook	6 pm is too early for many. How about a weekend when more of us can log on? At least pretend to work for us.	Comment noted.	No change
76	Public citizen - Facebook	Why aren't they already doing this? Seems like common sense.	Most businesses are already implementing operational source control BMPs. This ordinance would make it a requirement.	No change
77	Public citizen - Nextdoor	<p>Reading about the Spring Lawn Care Promotions in our stores and commercial lawn care companies telling you how to grow grass thicker and quicker should make us think twice. I've seen first hand how the use of fertilizers and pesticides to maintain "healthy looking" lawns is killing our waterways and polluting our soils and has toxic effects on non-target aquatic insects.</p> <p>The small lake behind my home is so grass green that by the end of June you would think you could walk across it. However 15 years ago that was not the case. Not it has been polluted with run off from fertilized lawns in McCormick Woods. One way to stop stormwater pollution is to only use organic fertilizers. When implemented properly, the benefits are not only ecological, but economical. I know my choice to plant an alternative landscape is not for everyone. But I feel I'm contributing as best I can by landscaping my property with trees, bushes, flowering bulbs, and ground cover without a lawn.</p>	Comment noted.	No change