

[Received via e-mail at 2:01 p.m. PDT, September 3, 2010.]

Sharleen,

Please find enclosed comments from the City of Yakima regarding the draft construction stormwater permit.

1. Ecology's revised Construction permit explicitly permits construction runoff to our MS4 (page 6, lines 3-6). This is in direct conflict with the City's Municipal Stormwater Permit that had us adopt an illicit discharge ordinance that makes all non-stormwater discharges to the MS4 illegal. The construction site runoff will contain excessive sediment (and other pollutants), and once it reaches the MS4 it becomes the City's responsibility (and cost) to clean (maintain capacity), prevent reaching the outfall and to take any necessary enforcement actions. **The City proposes that the revised Ecology Construction permit not authorize discharges to the MS4.** If this is not changed, a site could be in compliance with Ecology's Construction permit and in violation of the City's ordinance. The construction runoff can still go to surface water under Ecology authority.

2. The revised Construction permit authorizes non-stormwater discharges that conflict with non-stormwater discharges authorized by the municipal permit (through the City's Illicit Discharge ordinance). **Five types of discharge authorized without conditions in the constructions permit need to be modified to be consistent with the municipal permit to ensure that the discharges comply with the City's illicit discharge requirements.** The discharges are:
 - Fire hydrant flushing (page 6, line 23)
 - Potable water including water line flushing (page 6, line 24)
 - Pipeline hydrostatic test water (page 6, line 25)
 - Dust control water (page 6, line 30)
 - External building wash (page 6, line 31)

If you have any questions, please let me know. Thank you.

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