

From: [Kelleher, Shannon](#)
To: [Jennings, Jonathan \(ECY\)](#)
Subject: WNV NPDES permit - Seattle comments
Date: Wednesday, March 10, 2010 3:54:55 PM
Attachments: [WNV NPDES permit Seattle comments.docx](#)

Jon,

Thank you for the opportunity to comment on the WNV NPDES permit. It has been a pleasure to work with you during this process. The City of Seattle looks forward to working in cooperation with Ecology to protect our environment.

Please feel free to call me if you have any questions or need clarification on any of our comments.

Shannon Kelleher
Seattle Public Utilities
206-684-8745

**City of Seattle on
Draft NPDES 2010 permit**

Comments submitted by:

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DRAFT PERMIT Comments:

<i>Page & Section</i>	<i>Topic</i>	<i>Comment</i>
4 Table	Table entry for G18 incorrectly reads: "Enter date <i>within</i> 180 days of permit effective date."	Please correct the table; G18 ACTUALLY reads: "The Permittee shall reapply for coverage under this permit, at least, one hundred and eighty (180) days <i>prior</i> to specified expiration date of this permit."
4 Table	Table entry for S3.B includes "Develop or Update Integrated Pest Management Plan"	Please correct the table; S3.B does not contain an IPMP requirement
7- S3B	Larvicides - No short-term (hours) WQ modification granted explicitly in Permit, though the Fact Sheet refers to such a WQ modification. A 5 year exceedance is allowed provided that permittee complies with 173-210A-410..	Please reinsert language in S3.B that explicitly acknowledges the permit's authorization for a short-term water quality modification of hours or days for larvicide use, fulfilling Ecology's intent discussed in Fact Sheet at pages 26-27 and 31 and as was contained in 2007 General Permit at S3, pages 7-8. This short-term water quality modification of hours or days, as discussed in the Fact Sheet, is in addition to, not in lieu of, the longer duration (five years) exceedance allowed by S3.B. In the alternative, Ecology should explicitly grant a short-term or longer term water quality modification to the City of Seattle in the permit, based on Ecology's prior approval of the City's integrated pest management plan.
9-S4D3	Larvicide restrictions	For clarity, please insert the underlined at S4.D.3.c, which appears to match Ecology's intent: "The application site is in or <u>in a county</u> adjacent to a county in which mosquito, bird, animal, or human-borne disease cases are confirmed within the current treatment season."
12- S6B	Omits provision from previous permit stating that notice is not required for certain facilities that are not directly accessible to the public and that are impractical to post	Please reinsert as was included in 2007 General Permit: "The Permittee need not post notices at sites that are not directly accessible to the public (i.e., catch basins, storm drains, utility and transportation vaults, etc.)." Fact Sheet at p. 36 should be revised to be consistent. Posting a catch basin or storm drain is completely impractical and potentially hazardous. <i>The commenter requests that the permit state explicitly that posting is not required if treatment is in catch basin, storm drain, utility or transportation vault. Please contact me if you have any questions or</i>

		<i>would like clarification on this point.</i>
14 – S8C	Noncompliance notification	At S8.C.3, please delete “1 or” as follows for clarity, because paragraph 1 does not state a reporting obligation: “The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under 1 or 2 above.”
G18	Duty to Reapply	Delete the two commas in first sentence for clarity.
Fact Sheet at 29-30	Fact Sheet incorrectly identifies a permittee	The Fact Sheet at pp. 29-30 identifies Seattle Public Utilities as a permittee having separate coverage under the General Permit. Actually, the permitted entity is The City of Seattle, of which Seattle Public Utilities is a department. (See below for clarification)

FACT SHEET COMMENTS:

The City of Seattle’s coverage is under the name “the City of Seattle” NOT “Seattle Public Utilities” as indicated in the following passage from pages 29-30 and 38.

Washington State Department of Health Blanket Permit Coverage

When Ecology issued the current Permit in 2007, it issued coverage to Washington State Department of Health, and three other separate entities (Columbia Mosquito Control District, ~~Seattle Public Utilities~~ **City of Seattle**, and Pierce County Public Utility District)....

...In the draft 2010 Permit, Ecology changed who must obtain coverage. Current limited agents must obtain permit coverage directly from Ecology because they (and not DOH) discharge the pollutants. Ecology has retained the separate permit coverages for Columbia Mosquito Control District, ~~Seattle Public Utilities~~ **City of Seattle** and Pierce County Public Utility District under the updated 2010 Permit because they meet the definition of Permittee.

Duty to Reapply

All NPDES permits require the Permittee to reapply for coverage 180 days prior to the expiration date of the general permit in accordance with 40 CFR 122.21(d), 40 CFR 122.41(b), and WAC 183-226-220(2). For the current Permit (2007), only DOH, Columbia Mosquito Control District, ~~Seattle Public Utilities~~ **City of Seattle**, and Pierce County Public Utility District needed to reapply. All Permittees re-applied in a timely manner.