



PUBLIC WORKS

March 16, 2012

Mr. Jeff Killilea
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: ISWGP comments

Dear Mr. Killilea:

Thank you for the opportunity to comment on the modifications to the Industrial Stormwater Permit. Having served on the committee assisting Ecology in the revisions to the Permit in 2009, I am aware of how much time and effort have gone into crafting this permit.

My comments do not relate strictly to critical analysis of the permit, but act rather as an appeal for the actions taken in the Legislature and applied to the permit to be considered with regard to municipalities under the Phase I and II NPDES municipal stormwater permits. I am referring to page 11 of the draft fact sheet titled *Revisions Related to Numeric Effluent Limits for Discharges to 303(d) Waters*. As a result of recent legislation, industrial permittees will no longer be subject to numeric effluent limits for fecal coliform. One question I do have, is will this also apply to industries and businesses that have the potential for fecal coliform contamination as a result of their processes? I am referring to businesses involving composting, soils manufacture, and animal handling. If local jurisdictions are still required to inspect these businesses, will it be sufficient to only look at BMPs, and not ask for sampling results (or not sample ourselves if we observe problems)? It seems that these businesses should retain limits.

Jurisdictions also have parking lots and trees that attract birds. We also build stormwater ponds that attract birds and wildlife, and retain natural features such as wetlands, which is a requirement of state and federal law. Part of our TMDL program under the NPDES Phase II permit requires us to visually inspect for flows coming into impaired waterbodies in the dry season. A number of these flows are coming from wetlands inhabited by birds. During these low flow periods, the numbers for fecal coliform can be very high, and yet there is little we can do about these natural discharges with wildlife as a primary cause of bacterial pollution. Once we have done the education efforts, put up the Mutt Mitt stations, developed enforcement strategies for pet waste, and inspection programs for animal handling facilities, it is difficult to see an effective path forward when remaining coliform problems appear to be from wildlife. Microbial Source Tracking has confirmed this in at least one location in Everett.

What I would request is opening a serious dialog between jurisdictions with TMDLs and Ecology to discuss what can be realistically done when fecal coliform exceedances are a result of wildlife. Application of AKART to natural wetlands would put us in violation of laws protecting

wildlife. We are all aware that when it rains, stormwater carries fecal coliform from multiple sources to the creeks, so is the state standard realistic? We do recognize that shellfish areas require special effort, and we agree that it is important to protect this resource.

Thank you for your consideration of these comments, and I look forward to further discussion with Ecology.

Sincerely,

A handwritten signature in cursive script that reads "Heather Kibbey". The signature is written in black ink and is positioned above the printed name and title.

Heather Kibbey
Surface Water Manager