

**From:** [Loehr, Lincoln C.](#)  
**To:** [ECY RE Industrial Stormwater Comments](#)  
**Subject:** Comment re bacteria approach in proposed ISGP permit modification  
**Date:** Thursday, March 15, 2012 8:00:41 PM

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Comment submitted by Lincoln Loehr

I concur with the ISGP moving away from numeric bacteria limits for stormwater discharges to 303(d) listed waters. The proposed narrative requirements however are probably asking more than is necessary. If a facility isn't likely to have bacterial discharges as a result of industrial or human practices at the site, then there really isn't much to be concerned about. Generally there should be no need for any provision for bacteria for such facilities in the general permit.

Assuming that Ecology will not remove bacteria provisions from the general permit, then the proposed bacteria requirement for S6.C Table 5 footnote h to "1) Use all known, available and reasonable methods to prevent rodents, birds, and other animals from feeding/nesting/roosting at the facility" is excessive. Essentially this is putting AKART style requirements in the permit to prevent wildlife from utilizing the site. This is especially odd since some of the best stormwater management practices actually create habitat that is attractive to wildlife, particularly aquatic birds. This should be viewed as an enhancement, and birds as a bacterial concern should not require management, at least in most cases. Perhaps management even of birds is appropriate in some situations, such as adjacent to commercial shellfish operations, but that's about the only reason to go to such an extreme.

The laws pertaining to AKART relate to wastes proposed for discharge (RCW 90.52.040, and RCW 90.54.020) or to toxics (RCW 90.48.520). Bacteria is not a toxic, nor is it a waste that the facilities propose to discharge or expect to result in their discharge from human or process inputs. To the extent that it occurs from inputs of non-domestic wildlife, that should not warrant actions to control. Water fowl will get to water and will introduce bacteria. Diverting water fowl away will simply result in their bacteria inputs occurring to other nearby water.

Change 1) in proposed footnote "h" to read something like the following:

1) Evaluate whether domestic animals (e.g., horses, cattle, dogs) might have access to stormwater systems such as ponds and take reasonable methods to prevent them from doing so. Ponds, wetlands and swales are expected to attract birds and other wildlife and generally that is OK. This permit does not require actions to discourage birds or other wildlife that may be attracted to stormwater systems and property. If the facility lies in a shellfish protection district, there could be wildlife controls imposed through that process.