



October 6, 2014

Abbey Stockwell
Municipal Permit Comments
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: City of Longview Comments – Municipal Stormwater Permits-*Revised definitions explained*.

Dear Ms. Stockwell:

We appreciate the opportunity to provide comments to the draft guidance entitled “Municipal Stormwater Permits-*Revised definitions explained*” (Guidance) in developing a clear understanding of the revised and new definitions in the draft modifications of the Municipal Stormwater Phase I and Western Washington Phase II permits. The City has reviewed the Guidance, and has the following comments:

New Term- "Discharge Point"

“Discharge Point means the location where a discharge leaves the permittee’s MS4 to another permittee’s MS4 or a private or public stormwater conveyance. “Discharge Point” also includes the location where a discharge leaves the permittee’s MS4 and discharges to ground, except where such a discharge occurs via an outfall.”

Based on the Guidance and Appendix B: Statement of Basis for Modifications, partial intent of the new term "Discharge Point" is to provide improved clarity and distinctions of MS4 components resulting in more accurate mapping. While the new term may be an improvement, it also provides further confusion and complications.

Confusion arises with a vague definition and a Guidance that provides a conflicting message relating to discharges **to the ground** as further explained. The fourth bullet down on page 6 of the Guidance states "For discharge points to the ground - Includes facilities/BMPs that inadvertently infiltrate, such as ditches and swales." We understand these referenced facilities/BMPs are ones not designed to infiltrate. Likewise, on the same page under MS4 MAPPING it states "Strict application of the agreed upon settlement language results in a requirement to map **locations** of inadvertent infiltration

(such as ditches) as discharge points.” The very next sentence states “It is not Ecology's intent to require permittees to map **features or areas** that provide inadvertent infiltration as discharge points.” This sentence expressing Ecology’s intent to the previous sentence leads one to believe that possibly although the settlement agreement indicates ditches with inadvertent discharges would need to be mapped, Ecology’s intent is to not require their mapping (which makes sense to us). Please clarify the wording "features or areas" identified in the sentence above in bold letters and provide examples; are ditches included? The narrative in Figures 2 & 4 of the Guidance also supports Ecology’s intent identified above. When looking at Appendix B: Statement of Basis for Modification, Ecology’s intent indicates inadvertent infiltration would not include ditches to be mapped. However, the only official guidance will be the above referenced Guidance, and clearly it doesn’t exclude ditches as “Discharge Points”. Further questions arising from this confusion include:

1. If the task of **mapping** features or areas is excluded for inadvertent infiltration, does this mean we would not need to map the "Discharge Points" but we would have to know where they are and inspect them as required in S5.C.9.d.ii (Secondary Permittees) and S5.C.9.d.i(2)?
2. What extent does this new term relate to roadside ditches and construction dewatering discharges during MS4 repair or replacement?

A complication arises as an ambiguous requirement is created from the scenarios relating to ditches and inadvertent infiltration previously identified and discussed. If a permittee interprets the Guidance incorrectly, permit violations could unintentionally be made; Ecology may be understanding, however, legally minded third parties may not.

We suggest providing an explicit permit definition without the need for additional guidance. A suggested permit definition for “Discharge Point” was provided separately in our submitted comments on the draft Modifications of the Municipal Stormwater Western Washington Phase II permit.

We appreciate Ecology’s consideration of our comments and aim to work together for a clearly understood Western Washington Phase II permit.

Sincerely,



Steve Warner
Stormwater Inspector

Cc: Jeff D. Cameron, PE, Public Works Director