



Municipal Stormwater Permit Comments
WA Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

June 15, 2011

Dear Department of Ecology;

Walla Walla County appreciates this opportunity to comment on the Low Impact Development and Monitoring Preliminary Draft Permit Language issued May 16, 2011.

Comment 1: Under previously published guidance, Walla Walla County was only to be responsible for Stormwater Management Program (SWMP) Effectiveness Monitoring/Targeted SWMP Effectiveness Monitoring (S8.C.1.b). Ecology Publication no. 10-10-030 “Monitoring and Reporting Guidance Phase II Municipal Stormwater Permits”, published May 2010, includes thresholds for monitoring that exclude counties with fewer than 50,000 people in the unincorporated county from Stormwater Monitoring (S8.C.1) and Runoff Treatment BMP Effectiveness Monitoring (S8.C.1.c). As such, Walla Walla County’s Monitoring Plan did not include these elements, nor did we include them in our long-term budgets. The draft monitoring language for the next 5-year permit cycle would now require Walla Walla County to fund such studies. The draft language increases Walla Walla County’s monitoring obligations while removing local control over what types of studies will be performed, and where. It eliminates our ability to use existing staff to conduct studies, and necessitates that we send County dollars elsewhere, to fund jobs elsewhere.

Walla Walla County has asked for guidance and clarification on monitoring requirements multiple times, and at no point was led to believe that monitoring requirements during the second 5-year permit cycle would be substantially different than what was detailed in the first 5-year permit cycle and subsequent guidance document. In fact, we were instructed not to make a big deal out of the monitoring requirements, as they would likely be reduced in scope.

Why is the draft monitoring language so different from a publication issued just 1 year prior? We set our stormwater utility fee rate at an amount intending to cover eventual monitoring requirements and are frustrated at Ecology’s last-minute change in direction. At the March 21 meeting in Pasco, WA to discuss Ecology’s thinking for monitoring requirements during the next 5-year permit cycle, Bill Moore and Karen Dinicola of DOE stated that the previous monitoring requirements and the monitoring guidance that excluded Walla Walla County from Stormwater Monitoring and Runoff Treatment BMP Effectiveness Monitoring was “Ecology’s best-guess 5 years ago as to what monitoring might look like”. Why was the May 2010 publication so hopelessly out of date? Why are these changes in monitoring requirements being

done at the last minute? Why were cities and counties not afforded more time to guide the new requirements, and more notice so they could be included in budget planning?

Comment 2: The draft language is confusing and burdensome, both unnecessarily vague at times and alarmingly specific at others (such as the actual dollar amount to be contributed by each jurisdiction for unspecified studies). The language needs to be simplified.

The language needs to clarify where the dollar amounts come from, how they are determined, and where they will be spent. The Explanatory Notes included with the draft monitoring language provide a breakdown the estimated costs of ambient monitoring vs effectiveness studies, but it is unclear in the draft language how ambient monitoring under S8.C.3.a.i would be funded.

The table in S8.C.3.b.ii includes Option 1 and Option 2 in the column headers. Option 1 and Option 2 are not defined in the draft permit language, only in the Explanatory Notes.

Comment 3: Draft permit language S8.C.3ii – if the stakeholder group is unable to recommend an alternative means to conduct effectiveness studies and the default is to implement studies selected from those described by permittees in their 2010 annual reports, why specify a collective minimum contribution? Why not have permittees conduct their own studies, as described in their annual report, and to fund such studies according to their own best judgment? If the studies are inadequate the permit already contains ample provisions for fines and/or 3rd party lawsuits. Why would this need to be done collectively? If a stakeholder group failed at recommending an alternative means to conduct studies, then how would a consortium/stakeholder group improve implementation of individual effectiveness studies?

Comment 4: The draft permit language requires that Walla Walla County enter into an as-yet-undefined stakeholder consensus agreement to develop a regional monitoring plan and to conduct monitoring. We strongly object to being required to enter into an unknown commitment. The Explanatory Notes included with the draft monitoring language state that “It is reasonable to expect that the group will need at least 8-12 meetings to propose recommendations to Ecology”. This is an unreasonable level of involvement for small jurisdictions, but if Walla Walla County is not at the table we will not have a voice in deciding how payments should be assessed, what studies will be conducted, and what geographic areas studied. By taking this stakeholder approach, and requiring Walla Walla County to participate in monitoring activities beyond the originally communicated scope, Ecology is essentially requiring that Walla Walla County spend at least 200 staff hours just to define a process.

Comment 5: If the permit language ultimately requires eastern Washington permittees to participate in a stakeholder consensus process, Ecology should take the lead on initiating videoconferencing. It is likely that existing facilities (WSDOT conference rooms) or existing 3rd-party software packages could be used by Ecology to set up videoconferences, or videoconferencing hubs, to reduce travel times and costs. While face-to-face meetings are occasionally necessary, it is time to adapt our practices to reduce travel costs and vehicle use. With properly defined rules of order and a strong moderator, there’s no

reason videoconferences can't produce similar results to face-to-face meetings. This would go a long way towards increasing participation from smaller jurisdictions with limited funds for travel.

Comment 6: The draft permit language does not consider existing monitoring that may be done in support of other programs, such as monitoring done under a Total Maximum Daily Load (TMDL). If a jurisdiction already supports monitoring of stormwater or surface water, we ask that the permit language be modified such that a) data collected in support of other programs be included in the stormwater ambient or effectiveness evaluation and b) the annual dollar amount a jurisdiction is expected to spend to conduct stormwater monitoring be reduced to take this other monitoring into account.

Comment 7: At the June 8 meeting in Moses Lake, Ecology staff implied that the draft permit language was nothing more than a springboard for starting conversations. Ecology was under a time crunch to produce the draft language but it is frustrating to be asked to comment on a document that may not have any resemblance to the actual draft language to be issued this fall. That said, we appreciate this opportunity to provide comments outside of the required public notice process and look forward to working with Ecology on future draft revisions to the permit language.

Thank you for your attention to our concerns.

Sincerely,

Joy Bader
Chief, Programs & Project Management