

Eastern Washington Phase II Municipal Stormwater Permit
Preliminary Draft Language Comments
Yakima County

Low Impact Development (LID)

1. Explanatory notes indicate that Ecology is considering adopting the Environmental Protection Agency (EPA) proposed LID design storm standard for new federal facilities that requires sites to retain the 95% 24-hour storm on site. Yakima County and many other Yakima area communities already require a higher standard of retention of the 10- or 25-year 24-hour event (depending on watershed) for Best Management Practices (BMPs) based on Ecology prior recommendations. This coincides with local flood reduction criteria specifically reducing contribution to the 100-year flood. Also, changes could generate community confusion and loss of trust due to different or modified standards for stormwater facilities. We therefore see no need for a separate LID design storm standard requirement in the proposed permit and oppose the probable confusion with existing requirements.

2. There has been a lot of LID research conducted in Western Washington such as publication of the LID Manual for Puget Sound (January 2005), and several pilot projects at the LID Center - WSU Puyallup. Less information is available for arid and semi-arid conditions in Washington State. Requiring LID and not knowing which LID BMPs work in Eastern Washington is like putting the “cart before the horse”. We recommend that Ecology support and fund the Washington Stormwater Center’s eastern Washington research efforts including (a) pilot projects at eastern Washington sites to determine BMP and LID effectiveness and performance for eastern Washington soils, vegetation capabilities and hydrology, and (b) characterization studies of eastern Washington municipality storm water practices for permit element effectiveness.

Monitoring and Sampling

1. Yakima County believes that the proposed monitoring requirements imposed in the draft permit have not been sufficiently developed to merit “sampling” that could be effective in meeting National water quality goals. Rather, manpower and funds (consideration of which is a goal of the Clean Water Act, see Section 101, 7f) are better spent implementing the current source requirements more fully, and establishing permit effectiveness, which will result in meeting the clean water objectives of the Act. A permit process with all stakeholders that identifies Eastern Washington problems, goals, and effectiveness of current permit requirements that can direct appropriate increased

monitoring and sampling is considered the best approach. This process should include research funding for groups like Washington State University, University of Washington, or Washington Stormwater Center provided by Ecology grants and EPA funds. Yakima County feels that the preliminary draft language proposal that includes “sampling” is premature, and potentially wasteful of public funds that may not meet environmental concerns.

2. Ecology is proposing receiving water body sampling in the draft permit. The Ecology notes posed the question: “Are receiving waters getting better or worse?” A better question is: “Are permit requirements working to reduce stormwater pollution?” which can be better answered by means other than ambient sampling. Our control of pollutants is restricted to our stormwater facilities. Receiving water monitoring is the responsibility of the permitting authority - Ecology. Also, end of pipe sampling will not contribute to an understanding of permit effectiveness as long as other sources (industrial NPDES, construction NPDES and irrigation return water) are allowed by current Ecology permits to enter permittees’ MS4s. The March 2011 9th Circuit decision (NRDC vs. County of Los Angeles) holding dischargers accountable for other sources of discharge to their systems is a disincentive to monitor at the end of pipe until such time as those sources are eliminated from the MS4. We believe Ecology should provide funding, resources and permit revisions to assist permittees with separating and eliminating those sources from MS4s before requiring end of pipe sampling. Further, Ecology should address the non-municipal contributors to receiving water bodies. At this time, Yakima County cannot support any monitoring funded by permittees (stakeholder or Ecology administered) that includes sampling in receiving waters and MS4s until Ecology resolves the above mentioned critical issues contributing to MS4s and receiving water bodies.

In conclusion, Yakima County feels Ecology is rushing LID, monitoring, stakeholder process and requirements in the Eastern Washington stormwater permit revision without adequate scientific research and stakeholders’ involvement, as provided for western Washington stormwater permittees. This places eastern Washington communities at a distinct disadvantage versus western Washington in grant and program funding as shown in recent allocation of water quality program funds.