

KEN STANTON
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DOUGLAS COUNTY COMMISSIONERS

February 2, 2012

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

RE: Eastern Washington Phase II Municipal Stormwater Permit, Draft Language

To Whom It May Concern:

Thank you for the opportunity to comment on the Eastern Washington Phase II Municipal Stormwater Permit Draft Language. We encourage Ecology to reissue the current Phase Permit for a longer period of time and modify the effective date of the new permit until such time as permit elements including but not limited to monitoring and low impact development are fully evaluated and addressed in a reasonable and fiscally responsible manner.

New permit language should be limited to that required by the Environmental Protection Agency under the Clean Water Act. Permittees require time to fully implement and evaluate the current Stormwater Programs required under the first permit, rather than focusing limited resources on implementation of new permit requirements.

The draft permit language includes elements and language that will be unachievable under the Wenatchee Valley Stormwater Program given the current economic climate, staffing levels and the impacts to the development community and our citizens. The proposed permit language presses forward with additional and expanded requirements without providing the time needed to fully evaluate the effectiveness of neither the current program nor the opportunity to modify local requirements or develop a process to establish baseline data for water quality monitoring in our area.

Douglas County encourages Ecology to evaluate the effectiveness of the requirements contained within the first permit prior to modifying or adding additional requirements. The requirements proposed within the proposed permit language are costly and unfunded. We continue to hear about budget cuts at the state level. Local government and taxpayers do not have the means to cover the additional costs that will be required to comply with unfunded mandates contained within the proposed permit language.

Added costs to the public and private sector associated with the proposed permit language including new requirements within the 6 minimum control measures, stormwater monitoring and low impact development are major concerns. Engrossed Substitute House Bill 1478 was enacted to provide "fiscal relief during periods of economic downturn." It is unlikely that implementing proposed new requirements of this permit will achieve this goal and assist in minimizing costs in the future. The new permit requirements will be costly, the requirements are vague and there is no defined environmental goal to be achieved.

The proposed permit language moves ahead without a clear direction with regard to both stormwater monitoring and low impact development. The proposals with regard to monitoring are unclear and unrealistic for local governments to implement. Ecology has required measures be implemented to reduce stormwater pollution, now Ecology proposes that the permittees evaluate the effectiveness of Ecology's requirements. Ecology should be determining the effectiveness of proposed permit elements PRIOR to passing these costly requirements permittees.

The draft permit language would require permittees to allow low impact development techniques. Permittees do not have the necessary specialized equipment or staff expertise to provide for the long term maintenance and operation of low impact development techniques, yet the permit would require acceptance by the permittee. Low Impact Development standards including criteria for selection, installation and maintenance of low impact development practices is not available to the permittees or the development community. The proposed permit language regarding low impact development is premature and irresponsible in its current form.

The draft monitoring language is unrealistic financially as well as logistically. Portions of the proposed monitoring requirements specifically dictate partnerships to be on a sub-regional basis. The permittees rather than Ecology are best qualified to identify efficiencies in development of cooperative partnerships to efficiently achieving compliance with stormwater pollution prevention regulations. This has been demonstrated in the Wenatchee Valley through the collaborative efforts of Douglas County, Chelan County, Wenatchee and East Wenatchee, through the Wenatchee Valley Stormwater Program Development and Technical Advisory Committee. The proposed permit language effectively removes local control over the budget and staffing required to satisfy the elements contained within the permit.

The draft permit language proposes annual reporting in excess of that required at the Federal level. Reporting is a significant cost to the permittee, with limited benefits. Reducing the reporting requirements would free up resources to focus on stormwater management activities which derive actual benefits. The level of detail proposed for inclusion in reporting is excessive. One example is the requirement that organizational charts with the name and position of staff whose duties may impact stormwater be provided to Ecology. This level of detail is unnecessary in achieving the goal of protecting water quality and is inconsistent with the Federal requirements.

Thank you for the opportunity to provide comments on the Draft Eastern Washington Phase II Municipal Stormwater Permit. Douglas County is disappointed in the expansion of the NPDES Phase II Municipal Stormwater Permit language as currently proposed. We hope these comments are beneficial in modifying the proposed language to create a permit that satisfies all involved. Douglas County looks forward to working with Ecology and other permittees to reach mutually agreeable, cost effective and beneficial methods to protect water quality in accordance with Ecology's obligation under the Clean Water Act.

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