

**From:** [Joy Bader](#)  
**To:** [SW Permit Comments](#)  
**Subject:** Draft Municipal Stormwater Permit Comments  
**Date:** Thursday, February 02, 2012 12:44:15 PM

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

**Subject: Draft Eastern Washington Phase II Municipal Stormwater Permit Comments, Walla Walla County Public Works**

Thank you for the opportunity to submit comments on the draft Phase II Permit revisions. Our concerns and suggestions are outlined below.

**Monitoring, Option 1**

- The consortium approach (Option 1, Page 52, line 6) requires collaboration, but the Permit (Page 13, line 1) explicitly states a permittee is still responsible for meeting all permit deadlines when partnering with another entity. We request inclusion of a clear statement within the Permit that a permittee is in full compliance with Permit requirements as long as good faith efforts are made to collaboratively conduct effectiveness studies.
- Walla Walla County has had great success in forming local partnerships to define and solve local water problems, and we ask we be afforded the same privilege for our stormwater management program. There is significant interest in improving water quality among multiple entities in the Walla Walla watershed, and it is our strong desire that any monitoring or effectiveness studies be designed and conducted to benefit existing programs as well as our stormwater management program. We request the option of watershed-level collaboration to fulfill permittees' individual monitoring requirements.

**Monitoring, Option 2**

- The second option for monitoring (Option 2, Page 53, line 14), requires an exorbitant level of time, money, and effort. One Phase II jurisdiction estimates the cost of conducting such monitoring at \$70,000 a year. Another permittee estimates costs at \$90,000 for the full five year permit term. Requiring either level of funding from Walla Walla County is excessive. Approximately 7,000 people live within Walla Walla County's Phase II Permit area, and there are only four direct outfalls to creeks within the permitted area. To conduct monitoring on our own, to learn what might be in our own stormwater, Ecology requires we sample one-quarter of our outfalls, at a projected cost of at least \$18,000 per year.
- Ecology's Quality Assurance Program Plan (QAPP) guidance (referenced on Page 1 of Appendix 8, line 9) states "Municipal stormwater discharges are not centrally located, but consist of large numbers of outfalls where stormwater is discharged throughout an entire city (hundreds, or even thousands of outfalls within a city are typical)." There are only four direct outfalls to creeks within Walla Walla County's permitted area, and the requirement that we develop a monitoring program with a full QAPP, per Ecology's guidance document that was obviously developed for much larger municipalities, is excessive.
- We question what Ecology has done to establish that the draft requirement for flow-weighted composite sampling is the only way to obtain meaningful data. We are concerned that of our four existing direct outfalls, none may be suitable for the installation of such equipment. We further question why the monitoring requirements in the Phase II Stormwater Permits issued by the Environmental Protection Agency (EPA), which include grab samples taken without specialized equipment and analysis for a

narrower suite of contaminants, is not good enough.

- We request that the minimum standard for monitoring compliance (Option 2) be modeled after the EPA's Preliminary Draft NPDES Permit for the City of Moscow, March 2011. This alternative monitoring option allows for grab samples 4 times a year for five parameters (flow, fecal coliform, temperature, TSS, phosphorus). This level of monitoring would be much more reasonable and cost effective for Phase II jurisdictions. Option 2 as proposed by Ecology is (details described in Appendix 8) is equivalent to Phase I level monitoring. This is excessive and unreasonable for Phase II communities, particularly Phase II communities as small as ours.

#### **Illicit Discharge Detection & Elimination**

- Page 23, line 26. The requirement that permittees provide "technical assistance" is vague and open-ended; we request clarification of what constitutes "technical assistance".

#### **Low Impact Development**

- Page 32, line 31. The draft Permit language would require Walla Walla County to allow Low Impact Development, presumably within the public right of way, before we have equipment and expertise to maintain it. We request the permit language be modified to exclude the public right of way.
- Page 32, line 17-36. Walla Walla County Code currently requires onsite retention of stormwater from the 25-year, 24-hour storm. We request that jurisdictions already requiring onsite detention and infiltration be allowed to retain their existing regulations, without modification.

#### **Inclusion of Roads in Common Plan of Development or Scale Definition**

- Page 65, line 14. Inclusion of roads in the common plan of development or scale definition without a timeframe for consideration may catch every road project. We request a timeframe be included for linear projects. Line 15, page 65 could be modified to read "linear projects such as roads, pipelines, or utilities within a contiguous area constructed within a 3-year period shall be considered part of a common plan of development".

#### **Annual Reports**

- We request reporting requirements match EPA's rules and regulations regarding reporting, which call for reporting in years two and four during the second 5-year permit term. In addition, the draft annual report form expands the amount of data to be included in the annual report; for example, annual reports must now include organizational charts with the name and position of everyone whose duties may impact stormwater. We request the annual reporting requirements for the next 5-year Permit term be scaled back to be consistent with current annual reporting requirements.

#### **Way out of the permit**

- We request that Ecology provide a specific pathway for a jurisdiction to withdraw from the Phase II Permit. "Opting out" is different than "no exposure". Taking the opting out option as described within the Permit may bind the permittee to Phase I rules rather than Phase II. Ecology should make it clear within the revised Permit that if a current Phase II permittee eliminates all outfalls to surface waters of the State, then a Permit will no longer be required. Therefore, we recommend that the following sentence be added under d. on Page 10, after line 18: "The operator of a permitted MS4 chooses to eliminate all surface water discharges. In this instance, coverage under this General Permit will no longer be required."
- We further request Ecology provide specific criteria for showing, through monitoring, that a permittees' operations do not result in stormwater contamination.

Again, we appreciate this opportunity to provide feedback on Ecology's draft permit revisions.

Respectfully,

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