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PO Box 2664 Sequim WA 98382

February 3, 2010

WA State Department of Ecology  
Olympia WA

RE: SW Permit Comments

The Olympic Environmental Council (OEC) wishes to respond to The WA State Department of Ecology Draft Low Impact Development Phase 1 and Phase 2 Permit language.

In addition to reviewing your Draft Permit, OEC has read comments submitted by People for Puget Sound, Puget Soundkeepers Alliance, and the WA Environmental Council. OEC supports their positions and is appreciative of their in-depth work. OEC adds other comments as follows.

The most worrisome of Ecology's Draft Permit language is failure to meet legal requirements to mandate control of stormwater to the maximum extent practicable ("MEP") and to employ AKART, failing to fulfill the Pollution Control Hearings Board mandate to require low impact development ("LID") where feasible. The PCHB decision provides Ecology a solid footing on which to implement these very protective stormwater measures that would broadly stem stormwater runoff and protect the receiving waters into which polluted stormwater ends. What is Ecology's rationale in not mandating MEP and employing AKART?

Puget Sound is in dire trouble. Ecology is heavily invested in helping reverse the situation. Ecology invests staff time and oversees relevant committees and finances, sometimes in the form of low interest loans to communities to implement LID. It makes no sense that Ecology not formulate language that makes LID mandatory except where absolutely proven not feasible. Loopholes and extended time periods for municipalities to implement LID regulations will continue to further decimate the Sound and its inhabitants. That is unacceptable. WA State must have the strongest LID stormwater permit language and ALL municipalities must have these in place no later than 2013. Any barriers to do so in any community should be identified, followed by any LID actions that would resolve the barriers. We now know that at least three universities in the U.S. can help communities with applicable LID methods where soil quality is an issue. These include WSU, University of NH, and University of MD. Help is at hand. Where absolutely not feasible, alternatives should be developed. For example, where slope is too steep, would a neighborhood LID project be beneficial? Would an underground water collection system be feasible, which would allow the building owner access to needed water in dry months of the year?

Storm sewer systems, where still combined – especially where needing repair, should be separated. Pipes needing replacement offer the opportunity to separate sewer storm pipes. New and repaired stormwater pipes should have good filters inserted to reduce solids, and ultra violet lights to reduce bacteria. Where green options to CSOs will work, CSOs should not be approved.

OEC wants to state that “biosolids” should not be allowed for LID projects. Regardless of their legal status, “biosolids” are highly polluted and will run off with stormwater into surface waters and onto other yards, or percolate towards ground water.

Variations should not be allowed. The effort is to stem stormwater overflows and handle stormwater on site/close to sites as possible. Excuses and ways around stopping overflows should be done away with. Variations are too easy where motivation for LID is lax.

Public outreach and education is essential. Communities must submit a serious plan to Ecology inclusive of community participation. This should include clear language on how the community can access relevant documents. The language should be complete, easy to read, comprehensible, and accessible.

Ecology needs to step up to the plate and implement tough regulations that will stop stormwater overflows. The State should not tolerate continual stormwater pollution of the Sound. Many tools are at hand to abate stormwater into open waters.

Given global warming, and even if it weren't, stormwater should be captured for reuse. It is not a “waste,” it is a “resource.” We must conserve and save so that there is water for future generations. This also applies to keeping pollutants out of the open waters. They are harmed enough. Continue on that path and you kill WA State and its economy. People come to WA State for its natural beauty and recreation. Ecology's mandate is to do everything possible to protect the State's natural resources and public health.

Respectfully submitted,

Darlene Schanfald  
for the Olympic Environmental Council