

PORT OF BELLINGHAM

Washington State

February 1, 2012

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

Submitted Electronically To: SWPermitComments@ecy.wa.gov

Subject: Comments on the Draft 2013-2018 NPDES Western Washington Phase II Municipal Stormwater Permit

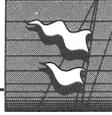
To Whom It May Concern:

Thank you for the opportunity to comment on the October 19, 2011 modifications to the NPDES Western Washington Phase II Municipal Stormwater Permit (Permit). The Port of Bellingham (Port) appreciates the efforts made by Ecology and other agencies/organizations to update this Permit and has the following comments and suggestions for the proposed modifications.

SPECIFIC COMMENTS

1. Page 16, line 15 (S5): S5 permit requirements are not directly applicable to the Port, however the Port may be required to meet many of these requirements through Whatcom County's and the City of Bellingham's implementation of these requirements.
2. Page 34, line 20 (S5.C.4.g.i): The Port recognizes the benefits of Low Impact Development (LID) stormwater management as a method to maintain the natural hydrologic character of the region and supports LID stormwater approaches on sites that are feasible and where there is a direct benefit to the receiving water. The Port is encouraged by Ecology's inclusion of a list of conditions where/when LID may not be feasible (Appendix 1, Section 8) but is concerned about code-related requirements to minimize impervious surfaces in all development situations and utilize LID principles and LID BMP's as the preferred approach to site development.

Many Port properties have been impacted by historic industrial activities and have soil, sediment and groundwater contamination. Infiltration near these sites (even outside of 100 feet) could mobilize contamination and threaten human health and the environment. The Port is generally aware of contaminated areas within its property, however the historical land uses of waterfront industrial areas are such that unknown contamination could be impacted by LID infiltration. Other conditions common to Port properties which are problematic for



LID installation include high ground water, tidal influences, “overwater” docks and piers, and the discharge into large water bodies exempt from flow control requirements.

Industrial sites covered under the NPDES Permits which discharge to flow exempt receiving waters should be exempt from LID requirements. Operators covered under these NPDES Permits are required to meet strict discharge benchmarks using Best Management Practices which work best with their operations. Additional LID requirements will add cost without improving water quality. Furthermore, many of the low impact techniques have not been proven reliable in an industrial setting.

3. Page 40, line 18 (S6.A.5): The relationship between the SWMP, SWMPR and Appendix 4 is unclear. Is Appendix 4 the annual report or is Appendix 4 the SWMPR? Recommend adding a better description of the difference between the SWMP, SWMPR and the annual report.
4. Page 45, line 5 (S6.D.3.b.iii): The draft Permit inaccurately references the category of discharges in (ii) or (iii).
5. Page 47, line 23 (S6.D.6.a.i): The draft Permit does not specify how much time will be allowed for permittees to establish maintenance standards that are as protective or more protective of facility function than those specified in Chapter 4 Volume V of the 2012 Stormwater Management Manual for Western Washington. Recommend adding a reasonable amount of time from the permit coverage date for permittees to convert from the 2005 to the 2012 manual where reasonable cost, resources and efforts are involved.
6. Page 47, line 34 (S6.D.6.a.i): The draft Permit does not define a major storm event. Recommend clearly defining a major storm event so permittees understand when spot checks of permanent stormwater treatment and flow control facilities are required.
7. Page 49, line 17 (S7): The draft Permit misspells “or prior to”. Change “oro priot” to “or prior to”.
8. Page 63, line 22 (S9.B): The description of reporting requirements using Ecology’s WAWebDMR is unclear. Will WebDMR support the upload of supporting documentation or just the annual report? Recommend clearly specifying the reporting requirements and capabilities of WAWebDMR.
9. Definitions: There is no definition of Stormwater Management Program Report. Recommend adding a definition of Stormwater Management Program Report.



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10. Definitions: There is no definition of Functional Control. Recommend adding a definition of Functional Control.
11. Appendix 6, Page 1, line 24: The change from municipal sanitary sewer to MS4 is incorrect. Change MS4 to POTW.

Sincerely,

Alan Birdsall
Stormwater Manager
Port of Bellingham

cc: Charlie Sheldon, Executive Director, Port of Bellingham
Frank Chmelik, Legal Council