



January 18, 2012

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

Re: Comments on the Phase I Municipal Stormwater General Permit Draft

Dear Ms. Graul,

The Port of Tacoma has reviewed the Washington Department of Ecology's 2013-2018 Phase I Municipal Stormwater General Draft Permit dated October 19, 2011 and is providing comments herein. The Port of Tacoma appreciates the opportunity to review and comment on the draft permit and associated documents.

Overall, the Port is in favor of the draft permit and believes it takes both the environment and Washington's business economy into consideration. Its balanced approach is greatly appreciated.

S5. Stormwater Management Program

S5 permit requirements are not directly applicable to the Port of Tacoma, however, the Port will be required meet many of these requirements through the City of Tacoma. As such, the Port has the following comments:

S5.C.5 Controlling Runoff from New Development, Redevelopment and Construction

Appendix 1 - Minimum Technical Requirements for New Development and Redevelopment

Section 2. Definitions Related to Minimum Requirements

Land disturbing activity – last sentence

Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

The Port would like to suggest the following:

Stormwater facility *installation* and maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

The reason for this suggested change is to avoid situations where installing a stormwater facility may trigger further requirements such as treatment when treatment is the facility being installed.

Threshold Discharge Area

Please consider updating Figure 2.1 to make it more legible.

Section 3. Applicability of the Minimum Requirements

3.1 Thresholds

This requirement suggests that if you install pervious pavement, then treatment is still required. This is a disincentive for project proponents to pursue the use of pervious pavement.

The Port recommends that pervious pavement not be included in the threshold calculation and be excluded from the stormwater treatment requirement.

Section 4. Minimum Requirements

4.5 Minimum Requirement #5: On-site Stormwater Management

The Port of Tacoma recognizes the benefits of Low Impact Development to the water resources of the region. We believe that LID measures can be an effective method of stormwater management on sites that are feasible and where there is a direct benefit to the relieving water. We are happy to see DOE's inclusion of an extensive list of conditions where/when LID may not be feasible (Appendix 1, Section 8) and hope that DOE will continue to include additional guidance for when LID may not be appropriate

The Port of Tacoma greatly appreciates the effort Ecology has made to take the unique nature of Ports and their tenants into consideration when providing guidance on the feasibility of Low Impact Development.

The Port has the following comments and suggestions regarding LID:

The Port is in favor of the direction Ecology is taking to exempt LID in flow control exempt water bodies. In particular those areas that are industrial in nature or are covered under the NPDES Industrial Stormwater General Permit.

S6.E. Stormwater Management Program for the Port of Tacoma

Functional Control

The Port of Tacoma appreciates the effort Ecology has made to understand the limitations associated with tenant leases and the inclusion of municipal requirements focused on properties “under the functional control” of the Port. The following sections should also include language that the activities apply to the sites under functional control of the Port:

S6.E.5.3.c.v. Implement a program to document operation and maintenance records for stormwater treatment and flow control BMPs/facilities and catch basins under the functional control of the Permittee.

Port tenants have lease holds that require tenant maintenance. Also, many tenants have Industrial Stormwater General Permits that require the industrial permittee to perform maintenance and retain records.

S6.E.5.3.d. Conduct field screening of at least 20% of the MS4 under the functional control of the Permittee each year for the purpose of detecting illicit discharges and illicit connections.

S6.E.7. SWPPP(s) shall be prepared and implemented for all Permittee-owned lands, except environmental mitigation sites, under the functional control of the Permittee, that are not covered by a NPDES permit issued by Ecology that covers authorizes 3 stormwater discharges.

Monitoring

2012 – 2013 Phase I Municipal Stormwater Permit

S8.C.1.a For S8.D, Stormwater Monitoring is complete when the permittee has collected three complete water years of data.

Please clarify “three complete water years of data”. Partial water years at the beginning and at the end of the three years should be allowed to meet this requirement. For example, if the first data set was collected in March and the first water year’s samples included those from March to September, then data from October to March would complete the third water year.

The Port recommends that the combination of partial years be used to fulfill this requirement.

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The Port supports the option to participate in the regional stormwater monitoring program (RSMP) through the pay-in options. We believe that a RSMP will provide more meaningful data than individual permittee monitoring requirements.

The Port supports the current cost allocation estimates based on permittee populations. We recognize the difficulty of estimating population levels for Port properties, but believe that the current method of calculation based upon neighboring population densities is consistent with the objectives of the proposed monitoring program. We remain concerned that if a significant number of permittees opt-out, that this will affect the overall budget of the RSMP and could impact the regional effort. For this reason, we believe Ecology should consider pursuing additional creative ways to fund the RSMP. For example, include other NPDES permittees into the RSMP such as the Industrial Stormwater General Permit, or Boatyard permittees.

As other permittees have expressed, the Port has concerns about paying into the receiving water status and trends monitoring. While we recognize the importance of the data, we feel it is above and beyond our mandated “stormwater runoff” requirements.

Phase I incorporation of the 2012 SWMMWW and the 2012 LID Manual

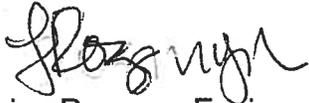
The Permit incorporates by reference the requirements, criteria, and standards in 2012 SWMMWW and the LID Manual.

The Port is concerned that the concurrent review process for the Permit, 2012 SWMMWW, and LID Manual will not provide sufficient review of critical requirements. We think that there are legal issues in regard to the process by which both manuals are being reviewed and then incorporated by reference into the permit without being given the full opportunity for review.

Both the 2012 SWMMWW and 2012 LID Manual updates are incomplete and many important details are not available for review at this time. The Port is concerned that these manuals are being attached to the permit without a public review of the complete manuals. Critical information in the public review drafts are not included and will not be available during the public review and comment period.

The Port of Tacoma appreciates Ecology's time and effort to consider our comments and concerns. If you have any questions regarding the above information please contact me at (253) 592-6793.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Rozmyn". The signature is fluid and cursive, written over a small grey rectangular box.

Lisa Rozmyn, Environmental Project Manager
Port of Tacoma

