



Port of Vancouver USA
A CENTURY OF POSSIBILITIES.

February 2, 2012

Municipal Permit Comments
WA Department of Ecology
Water Quality Program

Submitted via email to SWPermitComments@ecy.wa.gov
Email subject line "POV Municipal Permit Comments."

**RE: Port of Vancouver Comments on the Draft Western Washington Phase II
Municipal Stormwater Permit**

To whom it may concern:

The Port of Vancouver (port) appreciates the opportunity to provide comments on Washington Department of Ecology's (Ecology) draft *Western Washington Phase II Municipal Stormwater Permit* (Draft). The port supports Ecology's approach to changes for Secondary Permittees in simplifying language where appropriate to clarify requirements, and attempting to improve consistency across municipal stormwater permits. Furthermore, the allowance of flexibility in the development of program elements for the wide variety of Secondary Permittees will result in more manageable and meaningful stormwater programs. The port respectfully offers the following comments and/or suggestions listed below:

S6.D.2.a: The Draft requires the annual reports be made available on the Permittees website. It also states Ecology will post them on their website. If Ecology is already posting the reports it seems redundant to have the Permittee also have to post it their website. This requirement should be removed;

S6.D.3.d: The Draft requires visual inspections for illicit discharges at all known MS4 discharge points. Please clarify if this also includes discharges to ground or underground injection controls;

S6.D.3.f: The Draft requires Secondary Permittees to "provide for the opportunity for training to tenants." It is not the responsibility of Secondary Permittees to train employees of organizations that the Secondary Permittee has no control over. If a permittee is obligated to provide an opportunity for training, it could be construed that the Permittee may have some responsibility for the contents of the training relative to the tenants operations, as well as making sure the tenant employees are actually

learning from the training. The requirement to provide tenant training should be removed;

S6.D6.a: The Draft has been changed to require Secondary Permittees to prepare an Operations and Maintenance (O&M) Plan for areas “under the functional control of the Secondary Permittee”. The current permit states that the Plan must cover the activities “conducted by the Secondary Permittee”. The Fact Sheet only discusses the definition of this term (page 53, last paragraph) as having “legal access and authority to perform the activity” in reference to maintaining and operating stormlines not the other requirements of the Plan. Having “functional control” as defined in the Fact Sheet actually makes it more confusing as to what the Permittee is responsible for. The current language is very clear by stating “activities conducted by the Secondary Permittee”. The port suggests the current permit language be retained since “under functional control” is unclear. If the proposed language is retained, please clarify the meaning of “under the functional control”;

S6.D.6.a.i: Suggest providing a spot inspection form as a corresponding appendix;

S6.D.6.b: Clarify if copies of these permits are required to be kept with SWMP;

S6.D.6.d.iv: Clarify type of inspection procedure (Construction, IDDE, spot checks);

G10: The Draft states that solids resulting from cleaning stormwater facilities may be reused or delivered to a solid waste disposal site qualified to receive the material (see Appendix 6). The language proposed in Appendix 6 indicates that street waste solids must be managed appropriately as a solid waste. These two references to street waste solids may be interpreted to be in conflict. The ability (and any limitation) on how the solids can be reused should be provided;

Appendix 1, Section 2: Please remove gravel roads and packed earth materials from the listing of impervious surfaces. The terms are too vague and may not represent actual impervious surfaces in many cases. Gravel roads and packed earthen materials may indeed be pervious;

Appendix 1, Section 2: Please clarify in the definition of impervious surface that railroad tracks designed with ballast and sub-ballast layers are not impervious or hard surfaces;

Appendix 1, Section 4: Please provide project examples for residential, commercial, and industrial projects showing how Minimum Requirements 5, 6, and 7 would apply. The new guidance has become significantly more complex with the advent of the new Low Impact Development (LID) requirements and project examples would help project proponents understand how to navigate and comply with the numerous requirements;

Appendix 1, Section 4.5: Under Minimum Requirement #5, LID requirements should not be required in flow control exempt area. LID is appropriate to protect against potential downstream erosive impacts and is potentially an appropriate treatment technique to protect water quality. However, in flow control exempt areas, Ecology has already determined that stormwater discharges are unlikely to cause downstream erosive impacts. Regarding treatment, LID may be one of many technologies appropriate for a particular site and a project proponent should not be required to implement LID when other technology may be as or more protective, at a reduced cost and impact to the site;

Appendix 1, Section 8: Under Feasibility Criteria, the geotechnical opinion that bioretention and/or permeable pavements should not be used should not be restricted to erosion, slope failure, or flooding. The port would recommend deleting the remainder of the sentence after the word "area" since there may be other factors that may be discovered during a geotechnical evaluation that indicates that bioretention and/or permeable pavements are not appropriate;

Appendix 1, Section 8: Under Feasibility Criteria, it states, "Where land for bioretention is within area designated as a Landslide Hazard Area". The port recommends changing "Landslide Hazard Area" to "Geologic Hazard Area".

Appendix 1, Section 8: Under Feasibility Criteria, the port recommends replacing criterion of "Within 100 feet of known hazardous waste site" with "upgradient of a known or suspected contaminated site that could be hydraulically impacted by the project";

Appendix 1, Section 8: Under Feasibility Criteria, the port recommends including "high land value" as a competing need making the application of LID best management practices (BMPs) infeasible;

Appendix 1, Section 8: Under Feasibility Criteria, LID BMPs should not be required in flow control exempt areas. LID is appropriate to protect against potential downstream erosive impacts and is potentially an appropriate treatment technique to protect water quality. However, in flow control exempt areas, Ecology has already determined that stormwater discharges are unlikely to cause downstream erosive impacts. Regarding treatment, LID may be one of many technologies appropriate for a particular site and a project proponent should not be required to implement LID when other technology may be as or more protective, at a reduced cost and impact to the site;

Appendix 1, Section 8: The Draft mentions LID BMPs are considered infeasible "where the only area available for siting would threaten the safety or reliability of pre-existing underground utilities, pre-existing underground storage tanks, or pre-existing structures." The port recommends in addition adding pre-existing operations;

Appendix 6: The Draft includes a new subsection on "Street Waste Solids", yet the text addresses "contaminated soil". Is Ecology considering street waste solids as contaminated soil? These terms are not synonymous and the text should be revised accordingly; and

Definitions and Acronyms: Include QAPP, UGA, and RSMP;

POV supports efforts to improve stormwater quality as set forth in this permit and applauds your efforts to streamline and simplify the permit.

Thank you for your time.

Sincerely,

A handwritten signature in blue ink that reads "Matt Graves". The signature is fluid and cursive, with the first name "Matt" being larger and more prominent than the last name "Graves".

Matt Graves,
Environmental Manager