February 3, 2012

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Washington Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

Subject: Stormwater Work Group Comments on Formal Draft NPDES Monitoring Requirements

Dear Ms. Beale:

The Stormwater Work Group (SWG) is a coalition of federal, tribal, state, and local government; business; environmental; agriculture; and research interests working to develop and implement a Stormwater Monitoring and Assessment Strategy for Puget Sound. The strategy is intended to provide a coordinated, integrated approach to quantify the stormwater problem in Puget Sound and to help the region efficiently and effectively manage stormwater to reduce harm to the ecosystem. The strategy is part of a larger effort to create a regional monitoring program that is a shared responsibility of local, state, and federal governments.

In the past year, the SWG reached three important milestones:

1. On July 1, 2010 we submitted 55 key recommendations for a new stormwater monitoring program for the Puget Sound region to the Department of Ecology (Ecology) and the Puget Sound Partnership.
2. On October 29, 2010 we submitted 33 further recommendations focused on National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit monitoring requirements that Ecology should include for Puget Sound. These recommendations proposed that specific components of the regional program be implemented through the permits in order to build upon and leverage other monitoring conducted by federal, state, and local governments.
3. On June 17, 2011 we submitted specific comments on Ecology's preliminary draft permit monitoring language.

While working to help implement the recommendations for the NPDES municipal stormwater permits, the SWG is also working to fully implement the stormwater monitoring strategy recommendations to include other permit types, other water bodies, and other agencies and funding sources to truly be a regional, coordinated monitoring program. The SWG members strongly believe that implementation of this monitoring program will directly benefit all participating municipalities and the region as a whole. The specific monitoring components recommended by the SWG and included in the proposed draft permit monitoring language are specifically intended to inform local stormwater management activities. For example, each municipality will gain information on the overall impacts of urbanization on our receiving waters.

Ecology released preliminary draft monitoring language for the next municipal NPDES permits for informal review in May-June 2011, revised the proposed language, and now has a formal draft permit

out for public comment. This letter presents the SWG's comments on Ecology's formal draft monitoring language. Many of the entities represented by SWG members will likely send comment letters separately to represent their individual interests more fully.

The SWG thanks Ecology for basing the monitoring requirements for the next NPDES municipal stormwater permits on our recommendations. We fully support the shift in the monitoring paradigm to cooperative, regional monitoring as expressed within the permit and appreciate the extra public review provided by having two comment periods prior to issuing the final permit in July 2012.

In particular, we note that the proposed monitoring includes the following SWG-recommended components:

- Conducting status and trends monitoring in small streams and marine nearshore areas,
- Conducting studies of the effectiveness of stormwater management programs and allowing Phase I jurisdictions to conduct their own monitoring studies,
- Sharing information regarding source identification and diagnostic monitoring,
- Utilizing a pooled resources approach for maximizing efficiency and ensuring regional benefits,
- Utilizing Ecology as the administrator of the pooled resources for this permit cycle, and
- Relying on the SWG for oversight of the pooled resources and for support during development and implementation of the monitoring program.

Overall, we appreciate the strong cooperation between Ecology and the SWG in formulating a coordinated regional stormwater monitoring program that is effective in answering important management questions. We are looking forward to ongoing cooperation with Ecology on this topic in the future. We appreciate Ecology's effort to follow SWG recommendations on the scope of the status and trends monitoring and source identification and diagnostic monitoring information sharing. However, substantial disagreement remains among the members of the SWG regarding the appropriate size of the permittees' investment to make in effectiveness studies. The local jurisdiction caucus supports and investment no larger than that proposed in the draft. Other caucuses support larger investments, ranging up to several times higher than the proposed investment. We appreciate Ecology's difficulty in determining the effectiveness study investment level given this lack of SWG consensus.

We recommend that the list of effectiveness studies that is currently included in the permit appendix be clearly recognized and identified as an ongoing, living list. The list is from the SWG's effectiveness study identification and prioritization process. The SWG has commissioned a literature review that could find that some of these studies do not need to be performed; and in that case the permit should not require that they be conducted. If new effectiveness study topics or questions are to be added during the permit term, they should take place in future permit cycles.

At this time the SWG members do not have further collective, specific comments or recommendations on the technical details of the draft permit language, interagency funding agreement and scope of work, cost estimates, or allocation of costs among permittees. We ask that Ecology continue to engage with our technical subgroups as the regional stormwater monitoring program continues to evolve. We cannot overstate the importance of maintaining state funding commitments to the stream and nearshore monitoring programs the new regional monitoring program will leverage.

We appreciate Ecology's commitments to the SWG's efforts and to implementing our monitoring recommendations for the NPDES municipal stormwater permits. Please feel free to contact either me at 206.296.1986 or jim.simmonds@kingcounty.gov, or our Project Manager Karen Dinicola at 360.407.6550 or karen.dinicola@ecy.wa.gov if you have any questions or concerns.

Sincerely,

Jim Simmonds, SWG Chair
On behalf of the members of the Stormwater Work Group