

February 1, 2012

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Dear Mr. Sturdevant and Mr. Suswind,

Thank you for the opportunity to comment on the Draft 2013-2018 Phase I and II Municipal Stormwater General Permits (Permits). Transition Port Gardner, a grassroots, community-based organization, is writing to request that the Washington State Department of Ecology (Ecology) include strong Low Impact Development (LID) requirements in its new standards, and that it strengthen the Permits with expanded requirements to monitor discharges and expand permit coverage in key areas. We believe these changes are well supported by the population and are necessary to comply with the direction of the Pollution Control Hearings Board (PCHB) in its 2008 and 2009 rulings on the appeals of the permits issued during the last permit cycle.

Puget Sound is sick. Our valued salmon are running at 8% of historic levels, Puget Sound Chinook, Steelhead and Bull Trout are threatened with extinction and Puget Sound's Coho Salmon are a state Species of Concern. Our Southern Resident Orca Whales are listed as an Endangered Species, shellfish industries are in decline, and there is a periodic dead zone in Hood Canal. Today, the biggest share of pollution making Puget Sound sick comes from polluted runoff from our streets, driveways, lawns, rooftops and construction sites. Each year 14 million pounds of pollutants flow from these surfaces directly into our waterways and into Puget Sound – devastating the regions' most emblematic species, our salmon and orcas, while putting human health and valuable economic resources at risk.

In order to turn the tide and begin to restore the health of Puget Sound and other state waters, strong measures must be taken to stem polluted runoff. The 2013-2018 Permits will be the cornerstone of this effort. It is therefore imperative that the Ecology implements the PCHB rulings and issues the strongest-possible Permits with robust LID standards.

Public assets like Puget Sound, the Columbia River and other State waters are held in trust by the government for the people, as supported by the Public Trust Doctrine. Furthermore, under the Clean Water Act, NPDES permits must be written to ensure compliance with water quality standards and to support the protection and propagation of fish, shellfish, wildlife and recreation. Clearly, the State has a long way to go to restore

Puget Sound, and to protect its citizens' right to clean water, healthy fisheries, and safe outdoor recreation.

In order to attain meaningful reductions in the single-largest source of toxic pollution going into Puget Sound and other State waters while our population and industries continue to grow, the State must take dramatic action. Therefore, the State must revise the Permits to ensure that if fully implemented along with other permits, water quality standards will in fact be met. To do this LID techniques must be implemented thoroughly and broadly, on both site/subdivision and watershed levels, in order to achieve the objectives of the Clean Water Act for swimmable, fishable and drinkable waters. These LID techniques are shown to be highly effective at controlling runoff and reducing toxics and are in most cases more cost-effective than traditional infrastructure.

We applaud the proposed inclusion of requirements for the use of pervious concrete and rain gardens in the new LID standards. However, we believe that the standards do not go far enough to protect on-site vegetation, especially mature evergreen trees. Our native evergreens are stormwater holding tanks that are very hard to match in the same footprint. A mature evergreen can absorb as many as 250 gallons of rainwater a day. It is critical that vegetation and evergreens are part of the backbone of the new LID standards. Similarly, the State should go further in the promotion of green roofs, cisterns and water re-use as well as reducing or limiting increases in impervious surfaces on a watershed level.

Furthermore the language pertaining to "feasibility" and "competing needs" in the new standards must become less permissive for the permits to be effective. As currently written, there are far too many opportunities for loopholes. Any cost considerations for the implementation of LID standards must be balanced with the true costs of not implementing the strongest LID standards possible. These true costs include statewide loss of revenue in the fishing industry, losses in human health, losses in tourism, and State fiscal losses consequent from lawsuits due to failures to act as responsible stewards of the State's resources.

We strongly encourage Ecology to implement the strongest permit standards possible in order to fulfill its legal obligations for the provision of clean water, healthy communities, and robust fisheries.

Thank you for your consideration.

Best Regards,
Jennie Lindberg, President
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