

City of
Bellevue



Post Office Box 90012 • Bellevue, Washington • 98009 9012

February 3, 2012

Municipal Permit Comments
Ms. Harriet Beale
Western Washington Phase II NPDES Permit Reissuance
Water Quality Program
Washington State Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

Subject: Reissuance of 2007 Western Washington Phase II Municipal Stormwater Permit

Dear Ms. Beale,

Thank you for the opportunity to comment on the Washington State Department of Ecology's (Ecology) reissuance of the current 2007 Western Washington Phase II Permit (draft reissued 2007 Permit) for a one-year period (2012-2013).

The City of Bellevue (City) supports the goal of the federal and state water quality acts to provide clean water and recognizes the role that municipal stormwater management plays in reaching that goal. Cities have been leading the way in investing in fighting stormwater pollution, and we appreciate Ecology's recognition that municipal permittees' stormwater investments under the current 2007 Phase II Permit are delivering results.

The City is concerned that the compliance deadlines in the draft reissued 2007 Permit were not altered to take into account the new one-year permit term. We recognize the legislature directed Ecology to reissue the permit without modifications. However, by doing so, permit compliance deadlines changed from a five-year to a one-year permit term, leaving municipalities open to lawsuits for non-compliance. For example, the requirement to "inspect all catch basins and inlets owned or operated by the Permittee at least once before the end of the permit term." This compliance timeline is not achievable. Phased permit compliance deadlines are also affected.

We recognize this was not Ecology's intent and request Ecology to work with Permittees to resolve this issue and consider either modifying the draft reissued 2007 Permit to eliminate this outcome and/or issuing guidance on how Ecology intends to apply compliance deadlines.

Please be aware that these comments are preliminary in nature and that Bellevue does not waive any comments or concerns not otherwise included in this letter.

Thank you for your consideration of these comments. If you would like to discuss these comments, please contact Phyllis Varner, NPDES Permit Coordinator, at 425-452-7683 or pvarner@bellevuewa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Otal", with a stylized flourish at the end.

Nav Otal
Director
Bellevue Utilities