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Conversation: comments on the NPDES permit modifications
Posted To: SW Permit Comments

Subject: comments on the NPDES permit modifications

Greetings-

Per the Department of Ecology's request, Herrera is offering comments on the Phase I and II permit modifications, outlined below. These comments are generally focused on Ecology's solicitation for proposals that would reduce costs of permit compliance and related innovative practices, as opposed to specific comments on the proposed permit modifications.

1. General comment – We encourage Ecology to explore and facilitate improved public/private partnerships in helping Phase I and II jurisdictions meet the permit requirements. It seems there is a relatively small number of consulting firms providing the bulk of the NPDES support services in the region, and those firms and the corresponding jurisdictions they are working with could do a better job of sharing this information with the broad range of permittees not yet receiving support. It would be beneficial to solicit suggestions for sharing and disseminating information from the firms doing the work, in conjunction with the various permittee coordination discussions. This could be particularly valuable for some of the broadly applicable permit requirements such as SWPPP development, training, inspections, mapping, etc. Let's identify the most efficient and effective ways to comply with these elements, and find a better way to get it in front of all permittees.
2. LID barriers and feasibility, Phase I permit, Section S5.C.5.b.iii; and Phase II permit, Section S.9.E.4 – several jurisdictions are actively developing guidelines for LID feasibility, and tools to reduce barriers to LID implementation. It would be beneficial to find better ways to share and disseminate this information now. For example, going beyond the PSP's pending update to the Puget Sound LID manual, Ecology (or PSP) coordinating or sponsoring the development of Puget Sound-wide LID sizing and/or siting tools based on the updated LID design guidance and other jurisdictional-specific work. This would qualify as "innovative practices that will result in compliance with the permit (or better) at lower cost." The responsibility for helping the permittees meet this requirement doesn't need to fall entirely on Ecology, but Ecology could take the lead now in coordinating trainings or panel discussions to help advise and jump start the efforts while the LID advisory group plans are sorted out. This may also come out of the pending LID committees, or the APWA Stormwater Managers Committee meetings, but we don't have to wait until then.
3. Standards and Guidelines, Phase II permit, Section S.5.C.4 – This comment may be a bit late (see also #4 below), but the status and quality of the Phase II jurisdictions' efforts to update their stormwater standards and guidelines seems to vary across the board. Similar to the PSP efforts to help support municipal code changes to encourage LID, it would have been beneficial to formally establish workshops or regional contracts to share lessons learned related to guideline updates among the Phase IIs. Some good coordination has occurred, but the most valuable lessons learned and examples were not shared and distributed in time for many of the Phase IIs to understand and take advantage of them. This represented a good opportunity to significantly advance the guidelines for the majority of smaller jurisdictions in the region – not just up to the base permit standards, but to actually take a significant step further on issues such as LID implementation, basin-specific standards, and regional consistency. In the future, Ecology could take the lead in coordinating additional trainings or panel discussions to help advise and jump start the Phase II efforts. We would expect the result to be more consistency across the permittee jurisdictions, as well as guidelines tailored to the jurisdiction's development patterns, which in turn makes life easier for Ecology in enforcing the permits.
4. Standards and Guidelines, Phase II permit, Section S.5.C.4 – Related to #3 above, we concur with the Phase II permittees' desire to push back the compliance deadline for adopting/updating storm water management standards for new development, redevelopment, and construction sites to allow more time to decide how to best make use of the Phase I permittees' work products. Stormwater impacts are a long-term issue that will not be aided by hastily adopted design requirements that will be difficult to change once implemented by the Phase IIs. Allow the Phase IIs to have more time to set strong, well planned standards that make best sense for their land uses and receiving water characteristics, and the long-term result

should be better protection for receiving waters throughout the state. The current slowdown in site development activity throughout the region affords a window of time that reduces risk of this short-term delay in ratcheting up design standards resulting in significantly worsening conditions in our receiving waters.

5. General comment – We understand the LID policy and technical advisory groups are still in their developmental stages and are dependent on funding availability, but we want to express Herrera's strong interest in participating in both of these groups. Please keep us informed as this develops further.
6. General comment – We support the modifications to the monitoring requirements, and the evolving discussions on regional monitoring approaches. However, we strongly agree with Ecology that the state and permittees should remain committed to the permit standards and objectives. The current economic climate is difficult, but it would be short-sighted to reduce the permit standards and objectives as a result of (hopefully) temporary economic stresses.

Thank you for your time in reviewing these comments. Let us know if we can add any clarifications. And thanks also for continuing to make the NPDES permitting process as transparent and collaborative as possible, and working within your very limited budget resources to provide help and support where you can.

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