



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

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JUN 17 2016

DEPARTMENT OF ECOLOGY

Heather Bartlett, Water Quality Program Manager  
Washington State Department of Ecology  
P.O. Box 47600  
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JUN 21 2016

WATER QUALITY PROGRAM

Re: Comments on the 2016 Draft Phase I Permit Modification

Dear Ms. Bartlett:

Thank you for the opportunity to review the 2016 Draft Phase I Municipal Stormwater Permit modification.

The Environmental Protection Agency Region 10 strongly supports the inclusion of Appendix 13 in the Phase I Municipal Stormwater Permit. These additional requirements are specific to the City of Seattle's municipal stormwater discharges into the Lower Duwamish Waterway (LDW), and demonstrate Department of Ecology's continued efforts to work across regulatory programs to achieve greater environmental outcomes that benefit the long-term success of the LDW Superfund Cleanup. This NPDES permit modification provides a relevant example of how the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) program and the national Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Superfund program can collaborate to achieve shared environmental goals, fulfilling the intention of EPA's February 12, 2015, Memorandum entitled "*Promoting Water, Superfund and Enforcement Collaboration on Contaminated Sediments.*"<sup>1</sup>

The addition of Appendix 13 into the Phase I Municipal Stormwater Permit incorporates enforceable NPDES permit requirements to control contaminants of concern from discharging through the municipal separate storm sewer system (MS4), and implements specific aspects of the City's Source Control Implementation Plan. Incorporating these adaptive management response actions into the Phase I Municipal Stormwater Permit will help to eliminate sources of sediment pollution in the LDW. Collectively, these actions support the pending LDW Superfund Cleanup by significantly reducing the potential for sediment recontamination.

EPA also applauds the formal public process employed by Department of Ecology to ensure adequate opportunity for public comment and hearing on the proposed NPDES modification to add revised text to Appendix 10 and the new Appendix 13 into the Phase I Municipal Stormwater Permit. As you know, in January 2016 EPA proposed to clarify such procedural public notice and comment requirements for all state NPDES permitting authorities that issue MS4 General Permits.<sup>2</sup> The Department of Ecology's process for this modification is an example for other state NPDES permitting authorities of how to provide comprehensive opportunity for public engagement on the watershed-specific details associated with urban stormwater management.

Sincerely,

Michael J. Lidgard, Manager  
NPDES Permits Unit

<sup>1</sup> See: <https://semspub.epa.gov/work/01/568735.pdf>

<sup>2</sup> See: <https://www.epa.gov/npdes/npdes-stormwater-proposed-ms4-general-permit-remand-rule>