

October 14, 2005

Karen Dinicola
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: NPDES & State Waste Discharge General Permit for
Discharges from Small MS4's in Eastern Washington

Dear Ms. Dinicola:

Thank you for the opportunity to comment on the draft Storm Water General Permit for Eastern Washington. As you are aware, as part of the 10-Cities Group, the City Kennewick has been actively involved in the stakeholder process that developed the Model Municipal Program for Eastern Washington.

Based upon the draft permit it is evident that the Department of Ecology has chosen to pay lip service to Eastern Washington concerns and issues. What initially appeared to be a cooperative effort by the 10-Cities Group, regional counties, and other concern groups in working with DOE towards a workable permit for Eastern Washington, was regrettably derailed by DOE's turning a deaf ear to the unique concerns on the eastern side of the state. The permit covers both sides of the state rather than having separate permits for both Eastern and Western Washington as previously agreed to by DOE, and fails to recognize our unique problems and concerns. Of course, by now, we should be used to how DOE keeps their promises.

The NPDES Stormwater Program is a Federal and State governments unfunded mandate and another example of the federal and state governments inappropriately and improperly budgeting for city and county elected officials. If the federal and state governments believe this program is so vital to pass legislation mandating the program, then they need to fund it. Not only has the state government not funded this program that is being shoved down our throats, but they want the local taxpayers to finance state employees that will administer the NPDES program at the expense of other local programs.

There is no clear demonstration that implementing this program throughout Washington will effectively improve storm water runoff or improve water quality. The 10-Cities Group had challenged the State to demonstrate that the funding spent on this program actually fixes a stormwater problem. So far DOE has not only failed to

provided any proof that their program fixes the problem, it has yet to provide any evidence that there is a problem to be fixed.

DOE's interpretation and proposed implementation of the Clean Water Act is onerous and exceeds the requirements and intents of the Act. You are not the legislature and have no authority to make law. The City of Kennewick cannot support the permit as written.

Attached are Kennewick's general and specific comments on the draft permit. If you have questions on the attached, please contact Steve Plummer at (509) 585-4287, or by e-mail at stevep@ci.kennewick.wa.us.

Yours truly,

Peter M. Beaudry
Director of Public Works

Attachment: Comments on the NPDES & State Waste Discharge General Permit

cc: Russ Burtner, Municipal Services Executive Director
Dan Kaufman, City Engineer
Steve Plummer, Project Engineer
10-Cities Group