

**General Comments:**

The compliance schedules specified should be referenced as guidance from the Model Municipal Program. During the development of the model program it was recognized that Eastern Washington had a wide variety of challenges to overcome, and that "one size" would not fit all. The permit should offer more flexibility in the development of Eastern Washington storm water management programs as was agreed to by DOE.

The current phase II permit appears to shift from a technology based permit to a standards based one contrary to what was agreed to by the DOE.

Ecology should publish additional fact sheets providing information to operators of MS4's regarding the application for individual permits beyond the reference to a web site. This general permit is onerous, and compliance with it may not be possible for all entities. Information concerning the process of obtaining an individual permit would be helpful to operators in deciding whether an individual permit or the general permit is in the best interest of their constituents.

DOE should not attempt to conduct research on BMP effectiveness on the backs of permittees. DOE should contract with an independent third party to conduct such evaluations. An advisory committee consisting of Eastern Washington Phase 2 cities and counties should be formed to decide what BMP's need further evaluation above and beyond those already done by others locally, as well as nationally. Since this is an unfunded mandate pass to the cities and counties from the State, DOE should fully finance this effort.

Coordination with other jurisdictions should be encouraged, but not a permit requirement. Watershed planning efforts have shown how difficult and, in some cases, impossible to accomplish. This is a State and Federal responsibility, local jurisdictions have no authority to manage outside of their local jurisdictions.

The current definition of new discharge and its apparent certification by the local jurisdiction for new developments not causing water quality standards exceedences, even after application of the DOE's Stormwater Manual, is unreasonable and unworkable.

The current proposal in the permit to require new developments to use the DOE's Stormwater Manual (or equivalent) within a short period of time after adoption ignores state vesting laws. This creates an automatic violation of the permit if vesting laws are followed; if not, then it creates a certain violation of state laws.

The deadlines are unreasonable for the majority of the Phase II permittees, with no net benefits to the environment. Further, the number of submittals and types of reports needed appear to be mainly busy work, or for no known reason, and outside the Clean Water Act obligations.

The requirement to submit all data in GIS formats conforming to the State's standards is unworkable. Many jurisdictions do not have GIS systems, or ones compatible to the state system, and for those that do, making the data available on their web site would be adequate.

Monitoring should only be focused on the program elements. If DOE wants monitoring for other things, they need to pay for them with state funds.

DOE's authority is only to apply the Clean Water Act as written, not make new requirements that go beyond the legislative obligations contained in the Act.

**SPECIFIC COMMENTS:**

Page 6, S2.C – Fire fighting training operations that only involve the use of potable water should not be prohibited.

Page 7, S4.C – This is poorly worded. Clarify that compliance “with all applicable surface water, ground water and sediment management standards” needs to be at an appropriate receiving water. Storm water itself does not need to meet these standards.

Page 8, S5.A.2 – Please reference the general comment above concerning flexibility in implementing a SWMP. Flexibility will provide some incentive to apply for coverage under the general permit, instead of possibly seeking coverage under an individual permit in order to obtain a compliance schedule that an operator can realistically meet.

Page 11, S5.B.3.iii – Delete this section. These requirements are in excess of those required by the Clean Water Act. It is unrealistic to expect communities to enact ordinances or other regulatory mechanisms for commonplace activities, when the community lacks the will or resources to enforce such activities.

Page 12, S5.B.3.b.iv – Reword this section to apply only to site-specific locations where it can be conclusively shown that water quality is being impacted.

Page 12, S5.B.3.b.v – Reword this section to apply only to site-specific locations where it can be conclusively shown that water quality is being impacted.

Page 13 S5.B.4 – Reword this entire section. Construction site storm water runoff control is covered by a separate permit, which is administered by the Department of Ecology. Operators of MS4's should be required only to notify responsible parties of the need to apply for coverage under that permit.

Page 19 S5.B.6.a.i – Several of the bulleted items require NOI submittals. This should be revised to include applications for individual permits.

Page 26 S8.B.2 – This is an onerous requirement. It is likely that the majority of operators do not have the resources required to comply.

Page 26 S8.B.3 – This section seems to be at odds with S5. The flexibility in compliance schedules indicated in this section should be applied to the permit.

Page 29 G9.E – The flow measurement requirements should not be required for this permit.

Appendix 2 – **Must be deleted from the permit and left in the manual as guidance!** This is far beyond the intent of the Clean Water Act. At no time during the development of the Model Municipal Program for Eastern Washington was this concept discussed. The Department of Ecology does not need this language in the permit. Each permittee will be required to develop a SWMP and obtain approval through Ecology. This process will undergo full public review and involvement. This is a disincentive to apply for coverage under the general permit.