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October 14, 2005

Karen Dinicola  
Water Quality Program  
Department of Ecology  
PO Box 47696  
Olympia, WA 98504-7696

**RE: NPDES Phase II Permit**

Karen,

I am enclosing our comments for the proposed NPDES Phase II permit for your consideration.  
Thank you for the opportunity to comment.

Sincerely,

Gloria Mantz  
Stormwater Engineer  
City of Spokane Valley  
11707 E Sprague, Suite 106  
Spokane Valley, WA 99206

## COMMENTS

### **Page 1, Line 23 S1 B 1**

The definition of MS4 is too broad. A jurisdiction, not having a storm sewer system, is required to comply with this permit because it has bridges and roads. It does not appear that this is the original intent of this regulation. Please revise MS4 definition and remove municipal streets, curbs and gutters.

### **Page 5, Line 37, Authorized Discharges, A 3**

*“Stormwater discharges to groundwater of the State except stormwater discharges to groundwater of the State that discharge through facilities regulated under the UIC program.”*

In a meeting with Karen Dinacola, Matt Zarecor, Gary Nelson and Gloria Mantz, Karen indicated that this permit did not regulate groundwater discharges just discharges to waters of the Nation. This requirement is excessive. It would take longer than 5 years to map and field verify all MS4 discharge locations if non-UIC facilities are also regulated with this permit. Remove this item.

### **Page 7, Line 11, Compliance with Standards, B**

*“... Each Permittee is required to reduce the discharge of pollutants to the maximum extent practicable. To meet the reduce the discharge of pollutants to the maximum extent practicable, each Permittee shall comply with the requirement of this permit.”*

This is vague. This permit has many requirements. The language needs to be revised and should refer to the specific requirements for existing discharges which should be less than those for new or redevelopment projects. Maximum extent practicable is very subjective. What it is not practicable for a local jurisdiction may be practicable for an environmental group.

### **Page 10, Line 27, Public Involvement & Participation, b**

*“... all permittees shall make the latest updated version of the SWMP available to the Public on Permittee’s website.”*

This should not be a requirement. The permittees should have the reports available to the public as part of the public disclosure procedure but posting reports online should be the choice of to the local jurisdiction. Please remove this requirement.

### **Page 11, Line 17 & 36, Illicit Discharge Detection and Elimination, b, I & c i**

*“An ordinance or other regulatory mechanism that prohibits illicit discharges and authorizes enforcement actions, including on private property, must be adopted...”*

*“Procedures for locating priority areas likely to have illicit discharges, including at a minimum: evaluating lands uses and associated business/industrial activities present; areas where complaints have been registered in the past...”*

The proposed language can be interpreted such that the local jurisdiction is expected to conduct inspections on private property. If that’s correct, it is an unfeasible requirement for many local jurisdictions. Please remove “including on private property” from line 17 and remove paragraph beginning on line 36.

**Page 11, Line 24, Illicit Discharge Detection and Elimination, b, iii, first bullet**

- *“Individual residential car washing. This provision does not include charity car washes”.*

It is not clear if charity car washes need to be included as a component of the SWMP or if they are allowed in the MS4. Please clarify the intent of this language.

**Page 13, Line 20, Illicit Discharge Detection and Elimination, c, vi,**

*vi “Within one year of the effective date of this permit, and as an ongoing responsibility, identify areas of industrial activity served by the Secondary Permittee’s MS4 that require coverage under the Industrial General Permit, determine whether coverage has been obtained, and inform the Department if coverage has not been obtained.”*

This responsibility should rest on Ecology and not the local jurisdiction. Remove this requirement.

**Page 14, Line 37, Construction Site Stormwater Runoff Control, b, ii**

*“The site plan review shall be performed by Qualified Personnel and ...”*

Define qualified personnel

**Page 15, Line 13, Construction Site Stormwater Runoff Control, c, iii**

*“All new development and redevelopment sites greater than one acre ... shall be inspected at least once by Qualified Personnel.”*

This seems excessive. It appears that includes private and public development. Please clarify that a local jurisdiction is not required to inspect private properties even for new development. The permittee should only be responsible for inspecting ESC facilities for projects owned by the permittee.

**Page 15, Line 16, Construction Site Stormwater Runoff Control, d,**

*“Before the expiration of this permit, all Permittees shall provide information to construction operators about training available on how to install and maintain effective erosion and sediment controls...”*

Will ecology provide training that the local jurisdiction can direct construction operators to? This language should be revised to indicate that local jurisdictions will not provide training but that they will direct construction operators to training provided by Ecology or courses approved by Ecology.

**Page 16, Line 37, Post Construction Site Stormwater Runoff Control, b, ii**

*“The site plan review shall be ... to ensure that the plans include adequate construction-phase controls...”*

This is very difficult to do at the plan review stage. Even if the plans show controls in plan, there is no guarantee that they will be installed. We were told by Ecology that the local jurisdiction was only required to direct the proponent to the Source Control chapter of the SMMEW. Please remove this requirement.

**Page 17, Line 10 & 12, Post Construction Stormwater Management for New Development and Redevelopment, c, ii & iii**

*ii “Structural BMPs shall be inspected at least once during installation by Qualified Personnel”  
iii “Structural BMPs shall be inspected at least once every five years after final installation...”*

This is excessive. Specify that this requirement only applies for structural BMPs owned by the local jurisdiction, thus a local jurisdiction will not be inspecting private development during and after construction.

**Page 15, Line 16, Construction Site Stormwater Runoff Control, d,**

*“Before the expiration of this permit, all Permittees shall provide information to construction operators about training available on how to install and maintain effective erosion and sediment controls...”*

Will ecology provide training that the local jurisdiction can direct construction operators to? This language should be revised to indicate that local jurisdictions will not provide training but that they will direct construction operators to training provided by Ecology or courses approved by Ecology.

**Page 25, Line 3, Monitoring, Reporting, and Recordkeeping Requirements, A 2 b,**

*“Each Permittee shall use this information to evaluate, to the extent allowable, whether the SWMP is adequate to:*

- i. Prevent adverse impacts to water quality and beneficial uses in receiving waters caused by new development and redevelopment, and;*
- ii. Reduce adverse impacts to water quality and beneficial uses in receiving waters caused by existing development.*

Ecology Presumptive Approach is met by complying with Appendix 2. If we meet the requirements of Appendix 2, then what is the intent of item b?

**Page 29, Line 10-41, Monitoring**

Please clarify the purpose of this section? The permit indicates that monitoring is not a requirement.

**Appendix 2- Minimum Technical Requirements for Stormwater Management at New Development and Redevelopment Sites**

Appendix 2 is essentially Chapter 2 of the Stormwater Management Manual for Eastern Washington (SMMEW). Why repeat the guidance given in SMMEW? If changes are proposed to Chapter 2 of the SMMEW, the manual should be updated. It is very confusing to keep track of the differences between Appendix 2 & SMMEW. Appendix 2 should be eliminated and the permit should refer to the SMMEW.

**Appendix 4-**

Dates under **All permittees** is in conflict with dates under **Primary permittees and Co-permittees**