May 19, 2006

Mr. Bill Moore
Washington State Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

Subject: Comments on the Public Draft National Pollutant Discharge Elimination System (NPDES) Phase II Permit

Dear Mr. Moore:

Thank you for the opportunity to comment on the draft NPDES Phase II permit. Please consider our comments, which are attached.

I encourage Ecology to consider individual responses to our concerns (in writing or as part of a joint work session) as part of their responsiveness program. I believe given the complexity of the issues and potential for significant impacts, this detail is warranted. I look forward to hearing from you. Ecology's responses are critical to Thurston County as we continue to work toward Phase II implementation.

If you have questions regarding our comments, please contact me at 360-754-4275 or at bachmej@co.thurston.wa.us or Barbara Wood at 360-754-3355 Ext 6809 or via email at woodba@co.thurston.wa.us.

Sincerely,

Jim Bachmeier
Water Resources Manager

cc: Barbara Wood

Enclosure

## General Permit Comments

Thank you for considering Phase II jurisdictions comments and revising the preliminary draft permit to reflect such comments.

In general, the revised Draft NPDES Phase II permit, and Appendices are improved from the previous draft version. However, many of our comments on the first preliminary draft still are of concern. Rather than expend additional staff time to re-submit the same comments, we ask Ecology to re-review our initial comments. (Previous comments enclosed).

However, we did want to reiterate that we would like to see guidance produced that details, to the extent possible, how Ecology will evaluate individual Stormwater Management Program (SMP) elements. Because different staff have different interpretations, we strongly encourage Ecology to develop guidance that is available to staff and the public at large so expectations from Ecology and Permittees are known and transparent.

## Specific Permit Comments

### S.4. Compliance with Standards

"…More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the use of basin plans or other similar water quality and quantity planning efforts."

Thurston County supports that Ecology acknowledges that basin planning efforts can result in a comprehensive approach to maintaining and improving water quality. However, Ecology has not illustrated that they use a watershed approach to regulating various and multiple requirements of the Clean Water Act (CWA). We strongly encourage that Ecology develop the necessary teams from the multiple programs that implement the different requirements under the CWA and Safe Drinking Water Act to facilitate the development and implementation of a watershed based approach to water quality and quantity efforts. Once established, this type of effort would reduce staff time and government resources that could be better expended on improving water quality instead of monitoring and reporting the same information to multiple programs at Ecology.

Ecology has published guidance on landscape analysis (Stanley, S., J. Brown, and S. Grigsby. 2005. *Protecting Aquatic Ecosystems: A Guide for Puget Sound Planners to Understand Watershed Processes*. Washington State Department of Ecology. Publication #05-06-027. Olympia, WA.).

Thurston County thinks that this is s a valuable document to be used as a tool for local governments. However, we would like to see Ecology use the same tool when working on water quality issues. When discussing a "landscape approach" to address water quality issues with staff at Ecology, in varying programs, they are unaware of this document and how it can be used in "their" program. Ecology should educate staff on this tool, and coordinate their programs to

work together, integrating clean water efforts at a landscape scale. While local jurisdictions have the "option" of working together at such a scale, local jurisdiction success with this option requires that Ecology do the same.

**S.5. Stormwater Management Program for Cities, Towns, and Counties**

Thurston County has completed many of the required elements of a SMP, and thus to report costs during a permit term would be of little value, but increase staff workload. Thurston County would prefer to put limited resources in implementing current program elements vs. tracking costs when it is unclear what Ecology would do with such information. This comment applies to all reporting requirements that vaguely link financial investment to level of compliance or effort to comply. If Ecology wants to evaluate the level of compliance, ask the questions directly.

Requiring Phase II Permittees to evaluate their stormwater management manual to Phase I Permittees is not a feasible option. Ecology is the responsible agency to evaluate Phase II SMP, including their respective manuals. Further, Ecology provides the assumption that if the Ecology manual is adopted by the local jurisdiction, then the local jurisdiction is in compliance.

**S.7. TMDL**

"The Department may modify this permit to incorporate requirements from TMDLs completed after the issuance of this permit if the Department determines implementation of actions, monitoring or reporting necessary to demonstrate reasonable further progress toward achieving TMDL waste load allocations, and other targets, are not occurring and must be implemented during the term of this permit."

What criteria is Ecology proposing to utilize to determine if "reasonable" progress is being achieved toward TMDL waste load allocations? Ecology should develop guidance that defines "reasonable" and specifies goals for development and implementation of TMDL limits. Recommend referencing the approved Water Clean-up Plans developed through the TMDL process. We encourage Ecology staff from different programs to work collaborately with the Permittee to address all requirements of the CWA.

**S.8. Monitoring**

Thank you for clarifying the monitoring requirements. We would to see a coordinated approach to water quality and BMP effectiveness monitoring. While different municipalities might have varied monitoring requirements, there are many more similarities. Many times more than one Permittee discharges into the same receiving water. Thus, all three Permittees, and often the State or local Tribe are also monitoring the same receiving water. There needs to be one point of contact to coordinate any proposed monitoring activities. We believe Ecology's role could be to coordinate monitoring efforts with all stakeholders and provide a clearinghouse of collected data to the public.

Additionally, standardized methods need to be used to be able to assess data from different sources. We suggest that Ecology adopt such standards as those required to submit stormwater

best management practice (BMP) effectiveness data to the National BMP Database (http://www.bmpdatabase.org/).

**S.9. Reporting and Record Keeping Requirements**

The revised reporting form is an improvement from the preliminary reporting form.

We would like to see Ecology, working with Stakeholders develop a unified approach to reporting. Software should be designed so each Permittee can submit one format and Ecology can import that information. That information should be posted using a map too that outlines the drainage boundary. This information should be accompanied by any relevant data collected in that drainage basin.

Thurston County continues to believe the purpose of reporting and record keeping is a tool that should assist the Permittee with evaluating their compliance with the permit requirements; demonstrating progress to improve water quality and meet water quality standards. Reporting requirements that include financial detail for any detailed reporting require expending limited resources that are more appropriately directed to coordinating water quality improvement efforts.