From: Hal Thomas [mailto:hthomas@ci.walla-walla.wa.us]
Sent: Friday, May 19, 2006 4:12 PM
To: Dinicola, Karen
Cc: Brent Sheffield (E-mail); Don Gatchalian (E-mail); Peter Beaudry (E-mail); Steve Plummer (E-mail); sking@cityofwenatchee.com; mark.workman@ci.pullman.wa.us; Akers, John; kevin.gardes@ci.pullman.w.us; naldrich@ci.richland.wa.us; cwaarvic@ci.yakima.wa.us; bill.rice@co.yakima.wa.us; Neal Chavre; jbridges@ci.sunnyside.wa.us; John Knutson
Subject: RE: REMINDER: Comment period on Phase II Eastern Washington ends May 19th

Karen

The City of Walla Walla concurs with and supports the comments of John Knutson regarding the Draft MS4 NPDES 2 permit for Eastern Washington.

Hal Thomas
Public Works Director
City of Walla Walla
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> -----Original Message-----
> **From:** John Knutson [mailto:john.knutson@otak.com]
> **Sent:** Friday, May 19, 2006 11:34 AM
> **To:** Dinicola, Karen
> **Cc:** Brent Sheffield (E-mail); Don Gatchalian (E-mail); Peter Beaudry (E-mail); Steve Plummer (E-mail); sking@cityofwenatchee.com; hthomas@ci.walls-walla.wa.us; mark.workman@ci.pullman.wa.us; akersj@ci.ellensburg.wa.us; kevin.gardes@ci.pullman.w.us; naldrich@ci.richland.wa.us; terry.keenhan@co.yakima.wa.us; cwaarvic@ci.yakima.wa.us; bill.rice@co.yakima.wa.us; Neal Chavre; jbridges@ci.sunnyside.wa.us; Hal Thomas; brouillarde@svid.org; paulah.cox@co.chelan.wa.us; mzarecor@spokanecounty.org; JIM@svid.org
> **Subject:** RE: REMINDER: Comment period on Phase II Eastern Washington ends May 19th
>
> Hi Karen:
>
> Here are my comments on the Draft MS4 NPDES II Permit for Eastern Washington:
>
> 1. **Primary Permittee General Construction/Post Construction**: I recommend adding back in the year that was taken off the original deadlines in the Preliminary Draft Permit for implementation of many construction and post construction activities. While I appreciate Ecology's desire to have a one year buffer between requiring full implementation and the end of the permit term, I know that it will be a large challenge for some permittees to go from adopting an ordinance by the end of year 3 to fully implementing the program one year later (4 years after effective date). Most permittees will work diligently to comply and protect water quality, but it is a fact that implementation will take time. Ecology should not create an unnecessary risk of non-compliance and 3rd party lawsuit when permittees are working to comply and should have until the end of year 5 to fully implement programs anyway.
>
> 2. I recommend making it clear in **Section S1.D.3** that Permittees can work out program sharing relationships during the permit term. It currently reads like they must submit an

MOU with their application or soon after. Permittees will need time to work out these relationships and need to be able to do so during the permit term.

Other than that I have a couple comments related to **secondary permittees**:

1. **General Secondary Permittee Implementation Schedule:** I recommend changing the secondary permittee's implementation schedule so that it closely matches the primary permittee schedule for the same categories of activities. Right now the secondary permittee schedule is different and more aggressive than for primary permittees. Secondary Permittees may need more time than currently allowed. The difference in implementation schedules will create serious problems for secondary and primary permittees trying to work together to plan and implement cooperative programs, as well as for permittees trying to defer responsibilities to another permittee (for instance a primary permittee would have to greatly accelerate their program in order to carry out activities on behalf of a secondary permittee in compliance with the secondary schedule). Making the secondary and primary implementation schedules similar will facilitate cooperative regional programs and avoid potential conflicts.

2. **Section S1. A.3**:Limit the application of the secondary permittee program to only either: (a) the drainage system draining the federal urbanized area, or (b) the drainage system serving a bubble city. This might be complicated too, but right now the permit says implement throughout the secondary permittee's boundaries. An entity like a large drainage district would have to implement the program in very large areas, including portions of their district serving mainly agricultural lands. This could raise significant political and, potentially, legal issues for the permittee.

Also, **Section S1.B** - it's not clear that special districts or other "secondary permittees" that are within, or serve, bubble cities are also required to be permitted. Please clarify one way or the other.

Thank you for consideration of these comments.

John Knutson, P.E.
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