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Washington Department of Ecology
Water Quality Program
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Subject: Comments on Formal Draft NPDES Municipal Phase I and II Permit and Western Washington Wastewater Handbook

Dear Ms. Beale:

These comments are in reference to the NPDES Phase I and II Permits as well as to the Stormwater Management Manual for Western Washington. The Department of Natural Resources (DNR) comments are based on principles of stewardship and proprietary management derived from our legislative defined goals to protect State-Owned Aquatic Lands (SOAL) and preserve them for the public's benefit. The Washington State Constitution, the Revised Code of Washington, and the Washington Administrative Code define the nature of DNR's land management responsibilities. The basis of the following comments stems from these authorities and requirements defined in these statutes, rules, and regulations.

While the permits are clearly improved the requirements within them represent only the essentials needed to move forward with identifying and addressing the negative impacts of urban stormwater. We are pleased to see LID requirements included and consider them one of the key components of the foundation upon which local governments must build stormwater management programs that stabilize and protect our aquatic ecosystems. At minimum, these requirements will help clarify what further changes are needed in the permits to ensure local governments accomplish this essential task. We do not support any effort to further delay the requirements of these permits as delays will only lead to continued exponential cost to human health, the environment, and our economy.

We support LID implementation, but without local governments establishing additional zoning restrictions we believe current NPDES stormwater requirements could lead to urban sprawl and negative impacts to state waters. We hope to see further LID implementation and retrofit requirements through local zoning efforts.

It is unlikely that the permit requirements and the associated deadlines are sufficient to meet the 2020 goal of cleaning up Puget Sound as articulated in the Puget Sound Partnership's Action Agenda. It is recognized that economic restraints are likely to be an impediment to movement toward healthy sustainable state waters. Allocated funds must be wisely leveraged to acquire additional funding to improve upon the basic elements. Status and trend monitoring, source identification and control, and effectiveness studies of LID and other retrofit needs must be strengthened to ensure that stormwater work is moving in the most effective and efficient direction. A good example of these efforts can be found in the USEPA supported Stormwater Retrofit Planning Project for WRIA 9. We fully support the shift in the monitoring paradigm to cooperative, regional monitoring.

Watershed based management requirements need to be further defined, required and enhanced. This is the proven way to proceed, and although municipalities may be uncomfortable with a watershed approach and find difficult to implement, it is the only way to successfully move forward with stormwater management. Phase II requirements need to be further coordinated with Phase I requirements for a watershed based management system to work effectively.

A more specific comment of concern is the proposed removal of section 1.6.13 from the Stormwater Manual regarding DNR's management of Aquatic Land Use Authorizations. The manual should retain reference to DNR's Authority to require a stormwater outfall to have a valid use authorization requiring the avoidance or mitigation of resource impacts. It is important to reference that through DNR's use authorizations, which are issued under authority of Chapter 79.10590 through 96, and in accordance with Chapter 332-30 WAC, DNR may require:

- Compliance with the provisions of this manual; or
- Application of more stringent requirements that they determine are necessary to meet their statutory obligations to protect the quality of the state's aquatic lands. To not list this might lead a Permittee to falsely believe that all they must meet are the minimum requirements listed in these permits.

We look forward to reviewing comments of other stakeholders and more importantly the implementation of these permits in July 2012. DNR will assist to the extent possible the implementation of these permits. Please feel free to contact me at (360) 902-1064 or by email at shayne.cothern@dnr.wa.gov if you have any questions pertaining to these comments.

Sincerely,

Shayne Cothern, Environmental Specialist
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cc: Bridget Moran, Deputy Supervisor, DNR
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