



# DOUGLAS COUNTY

## TRANSPORTATION & LAND SERVICES

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November 8, 2018

Abbey Stockwell, Municipal Stormwater Senior Planner  
Water Quality Program  
Washington State Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

**RE: Reissuance of Eastern Washington Phase II Municipal Stormwater Permit**

Dear Ms. Stockwell,

This letter is provided in addition to submittal of comments via the Ecology eComments page, using the standardized excel spreadsheet provided.

Please note that the Eastern Washington Stormwater Group (EWSG) provided comments in correspondence dated October 11, 2018. That correspondence notes that consensus was reached by the *members in attendance* at an October 11, 2018 meeting. Please note that Douglas County was not in attendance at the October 11, 2018 meeting.

**Comments and Suggested Modifications:**

Implementation of the Municipal Stormwater Permit administered by the Department of Ecology poses a significant cost to Phase II communities. Each five year permit cycle, the Department of Ecology proposes minimum performance measures that exceed the Environmental Protection Agency regulations within the Code of Federal Regulations detailing water pollution control for stormwater discharges. The county strongly encourages the Department of Ecology to not impose performance measures that go beyond federal requirements.

Page 11, Coordination, 6. Coordination among Permittees. a. States that coordination among entities covered under this permit is **encouraged**. The current permit language states, "The SWMP **should** include coordination mechanisms..." Proposed language changes the "should" to "SHALL". Shall does not *encourage* coordination, it *requires* coordination. Retain the word **should**, to encourage rather than require coordination. Each permittee / entity is unique and governed by a separate elected body. Coordination occurs to the extent practicable to address permit requirements in a timely and cost effective manner. Requiring coordination unfortunately can often result in inefficiencies and delays, ultimately resulting in the opposite of the desired outcome.

Page 11 & 12, Education and Outreach. The county recommends **Ecology** develop education and outreach materials for the State as a whole, or for Eastern and Western Washington individually. This would ensure consistency in the messages and be a more economically viable mechanism for addressing public education and outreach. As the requirements within the permit become more and more specific, a broad based approach is warranted.

Page 13, Education and Outreach. Ecology added the requirement to measure the understanding and adoption of the targeted behaviors for at least one target audience in one subject area no later than August 2021. While the EWSG commented that this section of the permit should be moved to the

Monitoring and Assessment section of the permit, Douglas County takes no exception with the permit language as written.

Page 16, IDDE, 3. b. vi. Permit language has been modified from "may need to" to "shall". The county recommends leaving permit language as is (may need to), allowing the permittee to implement regulatory mechanisms as needed for our specific community rather than as required by the permit.

Page 19, IDDE f. Recordkeeping: If IDDE information is submitted to ECY via WQWebIDDE, then requiring the permittee to compile and submit the same information within the Annual Report is duplicative and unnecessary. The requirements for IDDE reporting should be satisfied by either WQWebIDDE reporting, or submittal of information via the annual report, not both. It is the county's preference to eliminate the WQWebIDDE requirement and utilize the annual report to submit IDDE information. Ecology can utilize this information and place it in any format deemed necessary.

Page 21, Construction Site Stormwater Runoff Control. 4. b. i. Existing language requires review of Construction SWPPPs prior to construction. Proposed language requires review prior to **clearing and** construction. Clearing, through a fill and grade permit or similar, is not currently an activity that is implemented by every Phase II permittee. It is not feasible or reasonable to require a submittal for an activity that is not regulated, therefore minimal effectiveness will be achieved with the addition of this language. Referring clearing should be removed from this requirement.

Page 41, S8 Monitoring and Assessment, A. 2. Recommend modification of the proposed text as follows: ~~Coordinate with other local governments in your designated Urban Area to~~ Plan and begin an additional stormwater management effectiveness study. Two or more **permittees** ~~Urban Areas~~ may collaborate on a single study.

Page 46, General Conditions. G3. B. Ecology should continue to clearly publish contact numbers for reporting spills. Often efforts to identify the appropriate contact at ECY is not straight forward, which delays response times and results in confusion in the roles and responsibilities of each agency.

Appendix 1, Page 4+, Core Element #2: Construction Stormwater Pollution Prevention. The requirements outlined within this appendix provide details beyond what is actually needed. This information is already included within Chapter 7 of the updated Stormwater Management Manual for Eastern Washington (SWMMEW) and duplication within Appendix 1 of this permit is unnecessary. All of the core elements should be addresses similar to Core Element #1, where a reference to the SWMMEW is made.

Sincerely,



Jennifer Lange, PE  
Engineering Programs Manager

cc: Aaron Simmons, PE, County Engineer

**Phase I, WW Phase II, and EWA PH II Formal Draft Comments**

Name	Document	Section	Page	Comment
Douglas County	EWA Phase II	Coordination	11	<p>6. Coordination among Permittees. a. States that coordination among entities covered under this permit is encouraged. The current permit language states, "The SWMP should include coordination mechanisms..." Proposed language changes the "should" to "SHALL".</p> <p>Shall does not encourage coordination, it requires coordination. Retain the word should, to encourage rather than require coordination. Each permittee / entity is unique and governed by a separate elected body. Coordination occurs to the extent practicable to address permit requirements in a timely and cost effective manner. Requiring coordination unfortunately can often result in inefficiencies and delays, ultimately resulting in the opposite of the desired outcome.</p>
Douglas County	EWA Phase II	Education and Outreach	11, 12	<p>The county recommends <b>Ecology</b> develop education and outreach materials for the State as a whole, or for Eastern and Western Washington individually. This would ensure consistency in the messages and be a more economically viable mechanism for addressing public education and outreach. As the requirements within the permit become more and more specific, a broad based approach is warranted.</p>
Douglas County	EWA Phase II	Education and Outreach	13	<p>Ecology added the requirement to measure the understanding and adoption of the targeted behaviors for at least one target audience in one subject area no later than August 2021. While the EWSG commented that this section of the permit should be moved to the Monitoring and Assessment section of the permit, Douglas County takes no exception with the permit language as written.</p>
Douglas County	EWA Phase II	IDDE	16	<p>3. b. vi. Permit language has been modified from "may need to" to "shall". The county recommends leaving permit language as is (may need to), allowing the permittee to implement regulatory mechanisms as needed for our specific community rather than as required by the permit. .</p>
Douglas County	EWA Phase II	IDDE	19	<p>f. Recordkeeping: If IDDE information is submitted to ECY via WQWebIDDE, then requiring the permittee to compile and submit the same information within the Annual Report is duplicative and unnecessary. The requirements for IDDE reporting should be satisfied by either WQWebIDDE reporting, or submittal of information via the annual report, not both. It is the county's preference to eliminate the WQWebIDDE requirement and utilize the annual report to submit IDDE information. Ecology can utilize this information and place it in any format deemed necessary.</p>

Douglas County	EWA Phase II	Construction Site Stormwater Runoff Control (EWA)	21	4. b. i. Existing language requires review of Construction SWPPPs prior to construction. Proposed language requires review prior to <b>clearing and</b> construction. Clearing is not currently an activity that is regulated by every permittee. It is not feasible or reasonable to require a submittal for an activity that is not regulated. There will be minimal effectiveness associated with the addition of this language as implementation will be limited. Will ECY be implementing the same expectations in administration of the Construction General Permit? Recommend evaluation of potential conflicts with vegetation maintenance (clearing) activities associated with addressing potential fire hazards.
Douglas County	EWA Phase II	Monitoring and Assessment	41	Page 41, S8 Monitoring and Assessment, A. 2. Recommend modification of the proposed text as follows: Coordinate with other local governments in your designated Urban Area to Plan and begin an additional stormwater management effectiveness study. Two or more permittees Urban Areas may collaborate on a single study.
Douglas County	EWA Phase II	General Conditions	46	G3. B. Ecology should continue to clearly publish contact numbers for reporting spills. Often efforts to identify the appropriate contact at ECY is not straight forward, which delays response times and results in confusion in the roles and responsibilities of each agency.
Douglas County	EWA Phase II	Appendix 1	4+	Appendix 1, Page 4+, Core Element #2: Construction Stormwater Pollution Prevention. The requirements outlined within this appendix provide details beyond what is actually needed. This information is already included within Chapter 7 of the updated Stormwater Management Manual for Eastern Washington (SWMMEW) and duplication within Appendix 1 of this permit is unnecessary. All of the core elements should be addresses similar to Core Element #1, where a reference to the SWMMEW is made.