

City of Spokane

Please see the uploaded comments for the City of Spokane in 1) letter form and 2) as an excel spreadsheet. If you have any questions or concerns, please contact James George III at 509-625-7908.

November 14, 2018

Abbey Stockwell
WA Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

RE: DRAFT Eastern Washington Phase II Municipal Stormwater Permit: City of Spokane comments

Dear Ms. Stockwell,

Thank you for the opportunity to review and provide comments on the draft Eastern Washington Phase II Municipal Stormwater Permit, which is scheduled to be issued July 1, 2019. In addition to the comments provided by Spokane County, the City of Spokane Valley, and the Eastern Washington Stormwater Group, the City of Spokane provides the following comments:

1) Section S5.B.3.f in the draft permit states:

“Recordkeeping: Permittees shall track and maintain records of the activities conducted to meet the requirements of this section. In the annual report, each Permittee shall submit data for all of the illicit discharges, including spills and illicit connections that were found by, reported to, or investigated by the Permittee during the previous calendar year. The summary shall include the information specified in Appendix 7 and WQWebIDDE. Each Permittee may either use their own system or WQWebIDDE for recording this data. Final submittal shall be compatible with and follow the format and data schema described in Appendix 7 and WQWebIDDE.”

We agree with the comment submitted by the Eastern Washington Stormwater Group on October 11, 2018, which stated that “...*The requirement to make changes to their computerized systems so the information can be entered and stored in an Ecology database would be a substantial financial burden to the Permittee and their ratepayers. Also, staff time entering the same information in a duplicate Ecology database is a waste of the Permittees' resources.*” Also, in order to meet the intent of the proposed change and maintain consistency among Permittees, we feel that Ecology should develop an Access database, Excel spreadsheet, or a similar commonly used application, to provide to Permittees that encompasses the desired reporting elements captured in the draft Appendix 7 schema, which could be exported as an .xml file, that Permittees would provide to Ecology for upload into WQWebIDDE.

2) Section S5.B4.c in the draft permit states:

“Permittees shall implement procedures for site inspection and enforcement of construction stormwater pollution control measures.

All new construction sites that disturb one acre or more, or are part of a larger common plan of development or sale, shall be inspected at least once by qualified personnel:

- Prior to clearing and grading for construction if a high potential for sediment transport is determined.
- During construction to verify proper installation and maintenance of required erosion and sediment controls. Follow-up as necessary based on the inspection.”

We feel the additional inspection requirements proposed in Section S5.B4.c should be removed from the draft permit. The proposed additional inspection requirements are redundant with Ecology’s National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activity (Construction Stormwater General Permit [CSWGP]), where operators that are “*Clearing grading and/or excavation that results in the disturbance of one or more acres...and discharges Stormwater to surface waters of the State...*” must obtain coverage under the CSWGP.

Moreover, Sections S3.B and S3.C.2 of the CSWGP respectively require the Permittee to prepare and implement “*...an adequate SWPPP, with all appropriate BMPs installed and maintained in accordance with the SWPPP...*,” using “*...stormwater BMPs contained in stormwater management manuals published or approved by Ecology...including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs for on-site pollution control,*” which meets the proposed intent of determining if a high potential for sediment transport exists.

In addition, Section S4.A of the CSWGP requires that the Permittee “*...maintain a site log book that contains a record of...the installation and maintenance of BMPs, site inspections, and stormwater monitoring,*” which, “*... must include all areas disturbed by construction activities, all BMPs, and all stormwater discharge points under the Permittee’s operational control,*” and that the inspections cover “*...all areas disturbed by construction activities, all BMPs, and all stormwater discharge points at least once every calendar week and within 24 hours of any discharge from the site.*” The CSWGP conditions set forth in Section S4.A already meet the proposed intent to verify proper installation and maintenance of required erosion and sediment controls during construction.

We feel that creating overlap between Construction and Municipal stormwater permits by including duplicate requirements has the potential to create confusion with respect to the roles and responsibilities amongst Permittees, and would create an unnecessary and substantial financial burden to the Permittee and their ratepayers in order to perform redundant inspections that are already required under Ecology’s CSWGP.

3) The title page of the draft permit states:

“Issuance Date: July 1, 2019”

There is an approximate seven month delay between the due date for draft permit comments on November 14, 2018 and the permit reissuance date of July 1, 2019, with no scheduled public communications from Ecology. We believe this is a good opportunity for Ecology to communicate to the Permittees the status of the comments that have been provided to date, and to allow follow-up interaction between the Permittees and Ecology in order to ensure complete understanding of the new permit conditions, as well as support continuous compliance efforts of the Permittees during the transition between permit cycles.

We appreciate your time and effort in developing the draft permit, and thank you in advance for considering these comments. If you have any questions, please contact me at (509) 625-7908, or via email at jgeorge@spokanecity.org.

Regards,

James George III
Environmental Analyst
City of Spokane

CITY OF SPOKANE

City of Spokane EWA PH II Formal Draft Comments

Document	Section	Page	Comment
EWA Phase II	IDDE	19	<p>55.B.3.f Recordkeeping: Permittees shall track and maintain records of the activities conducted to meet the requirements of this section. In the annual report, each Permittee shall submit data for all of the illicit discharges, including spills and illicit connections that were found by, reported to, or investigated by the Permittee during the previous calendar year. The summary shall include the information specified in Appendix 7 and WQWebIDDE. Each Permittee may either use their own system or WQWebIDDE for recording this data. Final submittal shall be compatible with and follow the format and data schema described in Appendix 7 and WQWebIDDE.</p> <p>Comment: In proposed Section 55.B.3.f, Ecology proposes a new record keeping requirement for reporting illicit discharges which includes entering the information in Ecology's new WQWebIDDE portal as specified in the DRAFT Appendix 7. We agree with the comment submitted by the Eastern Washington Stormwater Group on October 11, 2018, which stated that "...The requirement to make changes to their computerized systems so the information can be entered and stored in an Ecology database would be a substantial financial burden to the Permittee and their ratepayers. Also, staff time entering the same information in a duplicate Ecology database is a waste of the Permittees' resources." Additionally, in order to meet the intent of the proposed change and maintain consistency among Permittees, we feel that Ecology should develop an Access database, Excel spreadsheet, or a similar commonly used application, to provide to Permittees that encompasses the desired reporting elements captured in the DRAFT Appendix schema, which could be exported as an .xml file, that Permittees would provide to Ecology for upload into WQWebIDDE.</p>
EWA Phase II	Construction Site Stormwater Runoff Control (EWA)	21-22	<p>55.B4.c Permittees shall implement procedures for site inspection and enforcement of construction stormwater pollution control measures. All new construction sites that disturb one acre or more, or are part of a larger common plan of development or sale, shall be inspected at least once by qualified personnel: Prior to clearing and grading for construction if a high potential for sediment transport is determined, and during construction to verify proper installation and maintenance of required erosion and sediment controls. Follow-up as necessary based on the inspection.</p> <p>Comment: In proposed Section 55.B.4.c.i, Ecology requests additional site assessments and inspection requirements for all new construction sites that disturb one acre or more, or are part of a larger common plan of development or sale, where the sites shall be inspected by qualified personnel 1) prior to clearing and grading for construction if a high potential for sediment transport is determined, and 2) during construction to verify proper installation and maintenance of required erosion and sediment controls. The proposed additional inspection requirements are redundant with Ecology's National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activity (Construction Stormwater General Permit [CSWGP]), where operators of construction activities where "Clearing grading and/or excavation that results in the disturbance of one or more acres...and discharges Stormwater to surface waters of the State..." must obtain coverage under the CSWGP.</p> <p>Moreover, Sections S3.B and S3.C.2 of the CSWGP respectively require the Permittee to prepare and implement "...an adequate SWPPP, with all appropriate BMPs installed and maintained in accordance with the SWPPP...", using "...stormwater BMPs contained in stormwater management manuals published or approved by Ecology...including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs for on-site pollution control," which meets the proposed intent of determining if a high potential for sediment transport.</p> <p>In addition, Section S4.A of the CSWGP requires that the Permittee "...maintain a site log book that contains a record of...the installation and maintenance of BMPs, site inspections, and stormwater monitoring," which, "... must include all areas disturbed by construction activities, all BMPs, and all stormwater discharge points under the Permittee's operational control," and that the inspections cover "...all areas disturbed by construction activities, all BMPs, and all stormwater discharge points at least once every calendar week and within 24 hours of any discharge from the site." The CSWGP conditions set forth in Section S4.A already meets the proposed intent to verify proper installation and maintenance of required erosion and sediment controls during construction.</p> <p>We feel that creating overlap between Construction and Municipal stormwater permits, by including duplicate requirements, has the potential to create confusion with respect to the roles and responsibilities amongst Permittees, and would create an unnecessary and substantial financial burden to the Permittee and their ratepayers in order to perform redundant inspections that are already required under Ecology's CSWGP.</p>
EWA Phase II	General	N/A	<p>There is an approximate seven month delay between the due date for draft permit comments on November 14, 2018 and the permit reissuance date of July 1, 2019, with no scheduled public communications from Ecology. We believe this is a good opportunity for Ecology to communicate to the Permittees the status of the comments that have been provided to Ecology, and to allow follow-up interaction between the Permittees and Ecology in order to ensure complete understanding of the new permit conditions, and foster continuous compliance during the transition between permit cycles.</p>