

My name is Mel Oleson. I do not work for anybody. I've been retired for many years. And just a short note, I just came out of three weeks at the bottom of the Grand Canyon where I was studying a lot of fossils and biology and I may be the fossil in the room because I was involved in the first industrial stormwater general permit and every permit since then.

I'm also certified internationally as an industrial stormwater management person and a certified professional in stormwater quality by EnviroCert. To put it in other words, I spend a lot of time dealing in stormwater.

For that reason, in reading this permit, I go back to the history of how these permits were actually originally developed. The first permits were basically, what the hell are we doing? And so they were written in a very general, easy manner so people could get the feel.

The next level of permit, which is kind of the one you're looking at now, started to apply more and more requirements and ideas about how people should behave and what they should do. The underlying philosophy on all of this from the Department of Ecology is repeated many times in the Legislature and in public meetings was they wanted an effective permit that was efficient for the permittee to use and enforcement for Ecology.

I'll say that permit is not this one anymore. We should have evolved well past then in the last three permit -- basically this is the third permit we have seen. We should have evolved past that now. We should be working on the information necessary to really determine if these permits are doing any good for the waters of the state.

I bring this to point because the National Academy of Sciences just finished their report to the EPA on the multi-sector general permit, which is the EPA's equivalent of what we're doing here. And they basically say the same things that I'm about to say. This permit is not effective, at least we cannot prove it. Failure to collect data by the Department of Ecology other than benchmark data has left us without any real idea if this permit is doing any good.

We have no water quality standards applicable to stormwater itself. Water quality standards are a very complex and confusing thing. But basically they are all based upon a dry weather river flow with a discharge into that river flow. That doesn't apply to stormwater. You don't discharge to the lowest level of flow 99% of the time.

You also have a problem that most of the standards are based upon the idea that it's a continuous discharge. Because it's usually coming from some sort of a process, building something or other or making something. Stormwater doesn't do that. It comes and it goes. It has different frequencies with different intensities. So we really need to start looking at a mass-based situation. How much pollutant is put into receiving water? And how much can that receiving water hold to determine whether we are actually protecting the receiving waters of the state? This permit does not do that. This permit uses a synthetic number called a benchmark to represent a potential not to create a problem in the receiving water.

That doesn't work anymore. Because a potential to receive -- be a problem, if I'm discharging, 500 CFS cubic feet per second water, call it 500 gallons, into a receiving water that's got 10,000 cubic feet of water in it versus if I'm discharging that same 500 into a receiving water that's only got 500 cubic

feet in it, big river versus stream, we have discharges in both but they use the same benchmark standard for both.

So in one case 500 to 500, yeah, it could be a problem; 500 to 10,000, maybe not. You run the math and you find out that 500 to 10,000 is a .013 part per million change in the content of the receiving water. That's minuscule; 500 to 500, it's almost 1 to 1.

>> Mr. Oleson there's one minute remaining.

>> One minute, I'm going to have to do a repeat because I have five pages of comments.

[CHUCKLES].

>> Anyway, first thing Ecology needs to do is it needs to start collecting flow data. It collects no flow data. Without flow data of the discharger and the receiving water, you have no idea what's going on.

Second thing is you need to completely scrap the corrective action programs as they are currently constructed. They have no basis upon the data that is collected. They will not provide any useful information or are they even effective? We don't know. They are very expensive so we have a lot of people spending a lot of money. We don't know if it's worth it or not. So the corrective action program needs to be scrapped and redesigned so that it actually addresses what's going on in the receiving waters and in the discharge waters.

>> Thirty seconds, sir.

>> Thank you.

The training thing, qualified people, we need formal training for the people who are there. I'm sorry; but if anybody wants to talk to me afterwards, I can go through this whole list. Groundwater, it's not appropriate in this permit. Create a separate waste discharge permit and take groundwater to that. It's too confusing for people. And besides, it discourages infiltration, which is the key component of most of what Ecology has been driving at for the last 27 years.

We think that there needs to be additional training for Ecology staff. And I would like to see them actually obtain professional certifications so we know they are as qualified as possible in developing these permits and implementing them.

>> If I can ask you to wrap up for me, please.

>> Okay. Just to wrap up, take the current permit, extend it for two years. Work on the NPDES permit. Get the Stormwater Center involved in collecting information from permittees and others. And wait until the EPA comes out with this new 2020 permit or at least gives us guidance where it's going. And then write this permit. Thank you.

Okay. Thank you for the opportunity to continue my comments. I kind of breezed through a few things really quick so I think I'll go back and go through them in a little more detail.

The gentleman just mentioned the question of training. Training is a really good source control activity. It's really one of the first things you need to do for your staff to make sure that the site is put together properly and you can comply. The problem is that the way this permit is written, the training is left -- there isn't nearly any training. And it's left for the permittee to kind of make a judgment call.

Most permittees have no idea what the hell they are talking about when it comes to this. Because that's not what they do. They build widgets or saw logs or something. They are not water professionals. We need to have a defined training program for people who are managing stormwater on facilities. And maybe we phase that in with the big facilities, medium facilities, small facilities. But there needs to be a training program. And I would suggest the Washington Stormwater Center is the place to go to start that.

There's also a note in this permit that says that people who are professionals need to have a business license. That is sort of absurd. You don't need a business license to be a professional. They are not related. Maybe that's something in the tax code. But that needs to be removed.

The groundwater issue, this needs to be removed -- it was told to me, and I heard it repeated here, when I was at Moses Lake, most of this is going to be done by a completely different group than the stormwater group. It's going to be done by the hydrology people. If that's who is going to do it, then they should issue the permit. Now, incorporated in this permit could be a simple statement saying that if you have a groundwater discharge that exceeds some standard, and of course they don't define the standard, it could be surface water, drinking water, and there's a third one which escapes me. Oh -- never mind.

Anyway, there are standards out there and there's no way to even test for them. There's nothing in the stormwater manuals about how to sample stormwater. It's a completely different issue. Get it out of this permit. Put it where it belongs over in the Hydrology Department as a waste discharge permit.

I have received a number of comments that Ecology has become excessively onerous in its requirements on the Level 3 permitting and it's constantly going back and delaying implementation of Level 3 activity by asking for more information, more information, and more information.

This to me addresses do we have people who are trained in stormwater at Ecology who actually know what questions to ask and how to put them together? It sounds to me like my earlier comment that we need to have professionals in Ecology who are certified in this field is still applicable and this just kind of amplifies that statement.

I have the recommendations. As I mentioned earlier. Extend this permit out at least two years to give the EPA time to work on their permit. We need to integrate the National Academy of Science report's information in this new permit, which basically address the lack of data, the implementation of water quality-based effluent elements, effluent limit sampling and a number of other issues that are important to actually protecting the waterbodies.

>> One more minute, sir.

>> Okay. We need a stormwater -- to use the Stormwater Center for training and for integrating with permittees. Ecology needs to develop wet weather standards that are appropriate for stormwater.

This is when I mentioned standards now are developed based upon the low water level. That's not appropriate for stormwater. The levels are going to be very different. And that makes a big difference in compliance. And yet it still protects the resource.

Make all stormwater data public. Right now it's almost impossible to find an integrated and easily understood source of data and water quality standards related to stormwater. It needs to be in a simple Excel spreadsheet so everybody can look at it and we all can evaluate what's going on.

We're going to need a variance for many of these people who have stormwater. A variance is a very complicated process that basically gives you an extended period to come into compliance based upon a lack of technology to comply. I know that they are just starting to process for the Spokane River but it needs to be expanded into the stormwater area.

>> And if you could wrap up, sir.

>> Okay. And let's see. Oh, we should try and move to a watershed-based stormwater permitting system. So instead of individually permitting individual companies and construction sites and municipalities, we start to need to be looking at the watershed as a unit. Which means we need to have a permit that has municipal construction and industrial put together, particularly where municipal has construction or industrial inside of -- take Seattle, Seattle is a municipal permit. And hundreds of industries in it.

Yet we permit them separately. It's ridiculous. We need to have that as an integrated system because the municipal dischargers are quite often much bigger pollutants -- polluters than the industrial permittees.