

Okay. I'm at 634 169th Street, Spokane, Washington. And I'm a retired person who has a small organization called Mel Oleson Services. I'm also certified in professional industrial stormwater management and a certified professional in stormwater quality under the EnviroCert organization.

I have several questions and comments.

The first comment is that in reviewing the records on Ecology's Website, I've been unable to identify whether the stormwater permit has met its stated goals of the last 20 years of being effective, efficient and enforceable. By effective, that means that the stormwater permit has actually resulted in reductions to the pollutants being delivered to the state of Washington's waterbodies.

Efficient means that it is a good economic way for industries to actually achieve the reduction in pollutants that was requested or is desired by the permit.

And enforceable indicates that the Department of Ecology is able to easily identify those who are causing harm to the receiving water and to take those actions that are necessary to correct those actions.

In the first case, the efficient, it appears that we have actually no data that really determines whether this permit has, in its many years of existence, been able to actually effectively reduce the amount of pollutants being discharged by the stormwater systems.

The serious flaw there in reviewing the records is we have neither flow data for the receiving water nor flow data for the discharging water, which are all necessary to do calculations of the impact of the discharge on receiving water to meet water quality standards, be they environmental or ecological I guess you call them now or human health.

Without that data being required from the permittee and the state, it's going to be impossible to determine how effective this permit has been or can be.

That then feeds into the efficient aspect of it. We basically have industries doing a number of activities under the various corrective actions provisions to try and reduce the amount of the discharge to meet a benchmark, which is actually an arbitrary number that is supposed to be representative of water quality standards. But in reality is basically a synthetic number that does not really match the water quality standards.

And so we have millions, if not billions, of dollars being spent across the state over the years trying to meet these standards. And yet we actually have no real idea because we lack the qualitative data that we have achieved in an efficient manner these water quality standards. Therefore, we may have industries spending extensive amounts of money that is unnecessary to meet actual water quality standards.

A good example of this would be a small business that is discharging a small amount of water, say 100 CFS with a pollutant at a bench March of 1 part per million over into receiving water of 10,000 CFS. It's a standard -- pretty standard river on the west side anyway.

That impact of that 1 extra part per million on that receiving water would be negligible unless that receiving water is already in water quality standards violation and should be under TMDL.

On the other hand, if you have a discharge of several hundred CFS into a creek that's also of 100 CFS, then you actually could have an impact with the 1 or 2 part per million excess.

Ecology does not collect this data. Does not require this data to be collected. And is therefore, really unable to determine if this permit is being efficient. And if it's not being efficient at reducing -- actually effective. If it's not being effective, we have no way of knowing if it's being efficient.

Now, I understand Ecology's enforcement theory is that they wish to help people come into compliance. And that's fine, particularly for some of the smaller businesses who have an enormous amount of trouble affording the kind of consulting resources that are needed to understand some of these provisions. They may be really good at metalworking but water quality is not their thing.

So I applaud Ecology for that. But I also wish Ecology would really, before they start doing enforcement actions, collect the kind of data that I referred to earlier, to ensure that we have an actual problem before they start hammering on people. Even if it is just trying to support them.

So that's kind of my comments on efficient, effective and enforceable. And then I allude to the second one which is the groundwater issue. Under the permit which is the state waste discharge permit as well as an NPDES permit, the state does have the duty to address groundwater.

As I now understand it from discussions, most of that is going to be actually offshooted to I think it was called the Hydrology Department to make the determination as to whether a permittee is having a groundwater violation. Except for the marine construction group which I understand has its own specific provisions.

This is a very difficult situation to understand how it is going to be implemented. Since many of the facilities have been encouraged to do infiltration through various ponding type structures, et cetera, we now have the problem where you may have water coming into the pond, which is above a benchmark. But because of the impact of it filtering through the ground particularly the bucket at the bottom which has high ponding potential, there's a good chance that that water is actually not going to be moving pollutants down into the groundwater. Again, you mention the benchmark and it looks like it is.

How are we going to do this monitoring? Who is going to do it? And who is responsible for making that determination? It seems to be an issue of some concern.

A third one is -- this is a very minor little thing. But since I happen to be a professional, I noticed in the qualified personnel section that they require the qualified personnel to have a business license.

Now, I'm not sure why that is necessary. It sounds like someone wanting to figure out how to collect taxes, more than anything else. You know, taxes. There are many people who have the qualifications to do this kind of work who are not businesses who do voluntary work, including myself. And to have that limitation apply, this seems to be excessive.

Those are my primary comments for the moment. Thank you.