

Informal Comments on the PRELIMINARY DRAFT Municipal Stormwater Permits (Phase I, Eastern and Western Phase II) and Stormwater Management Manuals (Eastern and Western)  
 October 17 - December 2, 2022

PRELIMINARY DRAFT TOPIC (select from drop down)	Comment	Comment Made By
MS4 Permit: PCBs	The proposed language establishes the building washdown as “ <i>conditionally allowable</i> ” when following pollution prevention plan guidance, but does not cite a specific pollution prevention plan or guidance that the permittee must follow or reference. The pollution prevention plan condition needs to be more clear and better defined for permittees to understand the compliance expectation.	City of Spokane
MS4 Permit: PCBs	The proposed language establishes building washdown as a conditionally allowable discharge that is defined by a window in time. Criteria based on a window in time adds a significant layer of complexity that is going to be a management and enforcement challenge for municipalities. It is unlikely that municipalities have this data readily available in their files, and will add another dataset of information that will need to be gathered when following up on field observations or illicit discharge notifications. Illicit discharge determinations performed in response to the illicit discharge hotline for building washdowns will be significantly hindered as it will require obtaining building information from private property owners. The ability to determine if a discharge was conditionally allowable or an illicit discharge will be completely reliant on the willingness of private property owners to provide building information that they may not have available. If the intent is for municipalities to maintain a database of this information for all buildings in their jurisdiction, it needs to be clearly stated in the permit language. It is a heavy lift for municipalities to develop a database with this information and will require significant amount of time, which needs to be taken into account for the program implementation compliance deadline.	City of Spokane
MS4 Permit: PCBs	The proposed language for building washdown does not take into account any building maintenance or retrofits that may have occurred outside of the building construction date that may have used the materials of concern.	City of Spokane
MS4 Permit: PCBs	The proposed language will require the amount of washwater to be “minimized” to be an allowable discharge. The term minimized is subjective, and in order for the permittees to provide guidance to the public, or respond to observations of illicit discharges with enforcement, the term should be prescriptively defined. Likewise, in order for a permittee to demonstrate compliance to Ecology, a prescribed amount of washwater that is allowable for discharge is necessary to subvert disagreements on the interpretation of what minimize looks like volumetrically. Subjective conditions foster regulation by will in lieu of rule, and allow for unaligned expectations that result in unequal treatment. Compliance demonstrations based on subjective information will not be consistent across all permittees, regional Ecology offices, or the public.	
MS4 Permit: PCBs	The proposed language regarding Municipal O&M for washing municipal buildings built between 1950-1980 and buildings with PCB-containing materials includes “proper management of washdown water”. The phrase proper management of washdown water is not defined. If the intent is to adhere to the proposed requirements for Section S5.B.3.b.iii(e), see comments for proposed Section S5.B.3.b.iii(e). Also, stating that proper management of washdown water is necessary for buildings inside the timeframe criterion implies that improper management of washdown water for buildings outside the timeframe criterion is acceptable. The proposed permit language increases the level of effort necessary for permittees to comply with the conditions of the permit in order to achieve an unclear objective for an undefined issue, and it is based on controls that are nebulous and subjective that will create confusion and unrealistic expectations.	City of Spokane

